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I

(Acts whose publication is obligatory)

**REGULATION (EC) No 2152/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 17 November 2003
concerning monitoring of forests and environmental interactions in the Community (Forest Focus)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175 thereof,

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

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

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽⁴⁾,

Whereas:

- (1) Forests have an important multifunctional role for society. Apart from their significant role in the development of rural areas, forests have a major value for nature conservation, play an important role in preserving the environment, are key elements of the carbon cycle and significant carbon sinks and represent a critical controlling factor of the hydrological cycle.
- (2) The condition of forests can be seriously affected by natural factors such as extreme weather conditions, attacks from parasites and diseases or human influences such as climate change, fires and air pollution. Such threats can seriously distort and even destroy forests. Most natural and anthropogenic factors affecting forests can have cross-border effects.

- (3) The Communication from the Commission to the European Parliament and the Council on a forestry strategy for the European Union stressed the need to protect the natural environment and the forest heritage, to manage forests sustainably and to support international and pan-European cooperation concerning the protection of forests, making reference to forest monitoring and the promotion of forests as carbon sinks. The Council, in its resolution of 15 December 1998 on a forestry strategy for the European Union ⁽⁵⁾, called upon the Commission to evaluate and improve continuously the effectiveness of the European monitoring system of forest health and to take into account all the potential impacts on forest ecosystems. It also called upon the Commission to pay special attention to the development of the Community forest fire information system, which enables the effectiveness of the protection measures against fires to be better assessed.

- (4) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the sixth Community environment action programme ⁽⁶⁾ identifies the need to base the drawing-up, implementation and evaluation of environmental policies on a knowledge-based approach and, in particular, the need for monitoring the multiple roles of forests in line with recommendations adopted by the Ministerial Conference on the Protection of Forests in Europe and the United Nations Forum on Forests and the Convention on Biodiversity and other forums.

- (5) The Community and the Member States are committed to implementing internationally agreed activities relating to the conservation and protection of forests, in particular, the proposals for actions of the intergovernmental panel and Forum on Forests, the expanded work programme on forest biological diversity of the Convention on Biological Diversity, as well as the United Nations Framework Convention on Climate Change and the Kyoto Protocol.

⁽¹⁾ OJ C 20 E, 28.1.2003, p. 67.

⁽²⁾ OJ C 85, 8.4.2003, p. 83.

⁽³⁾ OJ C 128, 29.5.2003, p. 41.

⁽⁴⁾ Opinion of the European Parliament of 13 February 2003 (not yet published in the Official Journal), Council common position of 13 June 2003 (OJ C 233 E, 30.9.2003, p. 1), position of the European Parliament of 21 October 2003 (not yet published in the Official Journal) and Council decision of 6 November 2003.

⁽⁵⁾ OJ C 56, 26.2.1999, p. 1.

⁽⁶⁾ OJ L 242, 10.9.2002, p. 1.

- (6) The Community has already addressed two of the causes adversely affecting forest ecosystem conditions by means of Council Regulation (EEC) No 3528/86 of 17 November 1986 on the protection of the Community's forests against atmospheric pollution⁽¹⁾ and Council Regulation (EEC) No 2158/92 of 23 July 1992 on protection of the Community's forests against fire⁽²⁾.
- (7) Both regulations expired on 31 December 2002 and it is in the general interest of the Community to continue and further develop the monitoring activities established by those regulations by integrating them into a new scheme called 'Forest Focus'.
- (8) The scheme should be reconciled with existing national, European and international systems, having due regard for the Community's competence in respect of forests, in accordance with its forestry strategy and without prejudice to the principle of subsidiarity.
- (9) Measures under the scheme concerning forest fire monitoring should complement those measures which are undertaken, in particular, pursuant to Council Decision 1999/847/EC of 9 December 1999 establishing a Community action programme in the field of civil protection⁽³⁾, Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)⁽⁴⁾ and Council Regulation (EEC) No 1615/89 of 29 May 1989 establishing a European forestry information and communication system (EFICS)⁽⁵⁾.
- (10) The scheme should encourage the exchange of information on the condition of and harmful influences on forests in the Community and enable the evaluation of ongoing measures to promote conservation and protection of forests for the benefit of sustainable development, with particular emphasis on actions taken to reduce impacts negatively affecting forests.
- (11) The protection of forest from fires is a matter of particular importance and urgency in order, *inter alia*, to fight against desertification and to avoid their negative effects on climate change. It is crucial to avoid any interruption of the actions put in place by Member States in accordance with the expired Regulation (EEC) No 2158/92. Therefore, this Regulation should cover preventive measures that are not supported by Regulation (EC) No 1257/99 and not included in national or regional rural development programmes.
- (12) In order to promote a comprehensive understanding of the relationship between forests and the environment, the scheme should also include monitoring of other important factors such as biodiversity, carbon sequestration, climate change, soils and the protective function of forests. The scheme should therefore comprise actions in order to provide for a broader range of objectives and a flexible implementation, while building on the achievements made pursuant to Regulations (EEC) No 3528/86 and (EEC) No 2158/92. It should provide for appropriate, cost-efficient monitoring of forests and environmental interactions.
- (13) The Member States should implement the scheme through national programmes to be approved by the Commission following a procedure to be set up.
- (14) The Commission, in cooperation with the Member States, should ensure the coordination, monitoring and development of the scheme and report on it, in particular to the Standing Forestry Committee set up by Council Decision 89/367/EEC⁽⁶⁾.
- (15) The monitoring of forests and environmental interactions can only provide reliable and comparable information to protect forests in the Community if data are collected on the basis of harmonised methods. Such comparable information at Community level would contribute towards the establishment of a platform containing spatial data deriving from various sources of common environmental information systems. It is therefore appropriate to prepare manuals laying down the methods to be used for monitoring the condition of forests, the format of the data and rules for data handling.
- (16) The Commission should use the data collected under this scheme in relation to carbon sequestration, climate change and impact on biodiversity in order to contribute to the reporting commitments under the relevant conventions and protocols, consistently with their provisions. If problems of inconsistency arise, the Commission should take any possible action with a view to reaching a positive solution.
- (17) The Commission and the Member States should cooperate with other international bodies in the field of forest monitoring at an international or pan-European level, and, in particular, the international cooperative programme on assessment and monitoring of air pollution effects on forests (hereinafter referred to as 'ICP Forests'), in order to promote conservation and protection of forests for the benefit of sustainable development.

⁽¹⁾ OJ L 326, 21.11.1986, p. 2. Regulation as last amended by Regulation (EC) No 804/2002 (OJ L 32, 17.5.2002, p. 1).

⁽²⁾ OJ L 217, 31.7.1992, p. 3. Regulation as last amended by Regulation (EC) No 805/2002 (OJ L 32, 17.5.2002, p. 3).

⁽³⁾ OJ L 327, 21.12.1999, p. 53.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 80.

⁽⁵⁾ OJ L 165, 15.6.1989, p. 12. Regulation as last amended by Regulation (EC) No 1100/98 (OJ L 157, 30.5.1998, p. 10).

⁽⁶⁾ OJ L 165, 15.6.1989, p. 14.

- (18) This Regulation lays down, for the entire duration of the programme, a financial framework constituting the prime reference, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure⁽¹⁾, for the budgetary authority during the annual budgetary procedure.
- (19) It is appropriate to determine the volume of the Community contribution to activities financed under the scheme.
- (20) In order to ensure the continuity of monitoring activities there is a need exceptionally to allow expenditure incurred by a Member State to be eligible for co-financing if it relates to actions that were launched after 1 January 2003 and before the entry into force of this Regulation, provided that these actions have not been completed when the Commission approves the related national programme.
- (21) Member States should designate the authorities and agencies responsible for the handling and forwarding of data and for the administration of the Community contribution.
- (22) Member States should also draw up reports on various monitoring activities, which should be submitted to the Commission.
- (23) The data should be disseminated taking into account the UN/ECE 1998 Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention) and relevant Community provisions on access to environmental information.
- (24) The measures of general scope necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾.
- (25) The Standing Forestry Committee should assist the Commission by use of the regulatory procedure in accordance with the criteria set out in Article 2(b) of that Decision.
- (26) It is important to keep the scheme under review and assess its effectiveness, in order to identify needs to be addressed. The Commission should report to the European Parliament and to the Council on the implementation of the scheme, in particular in view of its continuation beyond the implementation period fixed in this Regulation.
- (27) Since the objectives of the proposed action, namely the monitoring of forests, their condition and environment interactions, cannot be sufficiently achieved by the Member States and can, therefore, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (28) The Europe Agreements between the European Communities and their Member States, of the one part, and the candidate countries of central and eastern Europe, of the other part, provide for participation of these countries in Community programmes, in particular in the field of the environment. The scheme should also be open to participation by other European countries.
- (29) In the light of the expiry of Regulations (EEC) No 3528/86 and (EEC) No 2158/92 and in order to avoid any overlap or discontinuity it is appropriate for this Regulation to apply from 1 January 2003,

HAVE ADOPTED THIS REGULATION:

SECTION 1

Objectives, content and definitions

Article 1

1. A Community scheme for broad-based, harmonised and comprehensive, long-term monitoring of the condition of forests, (hereinafter referred to as 'the scheme') is hereby established to:
- (a) continue and further develop:
- monitoring of air pollution and air pollution effects and of other agents and factors that have an impact on forests, such as biotic and abiotic factors and factors of anthropogenic origin,
 - monitoring of forest fires and their causes and effects,
 - forest fire prevention;
- (b) assess the requirements for and develop the monitoring of soils, carbon sequestration, climate change effects and biodiversity, as well as protective functions of forests;
- (c) continuously evaluate the efficiency of the monitoring activities in the assessment of the condition of forests and the further development of monitoring activity.

⁽¹⁾ OJ C 172, 18.6.1999, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

The scheme shall provide reliable and comparable data and information on the condition of and harmful influences on forests at Community level. It shall also help to evaluate ongoing measures to promote conservation and protection of forests for the benefit of sustainable development, with particular emphasis on actions taken to reduce impacts negatively affecting forests. The scheme will take account of, and where appropriate link to, existing and planned national, European and global monitoring mechanisms and will be in line with relevant international agreements.

2. Where reference is made to forests in this Regulation, Member States may include other wooded land. Where reference is made to forests in the context of forest fires in this Regulation, Member States may in addition include other land.

3. In France, the scheme shall not be applicable to the overseas departments.

Article 2

1. The scheme shall provide for actions designed to:

- (a) promote harmonised collection, handling and assessment of data;
- (b) improve data evaluation and promote integrated data evaluation at Community level;
- (c) improve the quality of data and information gathered under the scheme;
- (d) further develop the monitoring activity of the scheme;
- (e) enhance the understanding of forests and, in particular, the impact of natural and anthropogenic stresses;
- (f) study the dynamics of forest fires and their causes and impacts on forests;
- (g) develop indicators as well as methodologies for risk assessment concerning multiple stresses on forests over time and space.

2. The actions set out in paragraph 1 shall be complementary to Community research programmes.

Article 3

For the purposes of this Regulation, the following definitions shall apply:

(a) 'forest' means land with tree crown cover (or equivalent stocking level) of more than 10 % and area of more than 0,5 ha. The trees should be able to reach a minimum height of 5 m at maturity *in situ*. It may consist either of closed forest formations where trees of various storeys and under-

growth cover a high proportion of the ground, or of open forest formations with a continuous vegetation cover in which tree crown cover exceeds 10 %. Young natural stands and all plantations established for forestry purposes which have yet to reach a crown density of 10 % or tree height of 5 m are included under forest, as are areas normally forming part of the forest area which are temporarily unstocked as a result of human intervention or natural causes but which are expected to revert to forest. The definition of 'forest' includes: forest nurseries and seed orchards that constitute an integral part of the forest; forest roads, cleared tracts, firebreaks and other small open areas within the forest; forest in national parks, nature reserves and other protected areas such as those of special environmental, scientific, historical, cultural or spiritual interest; windbreaks and shelterbelts of trees with an area of more than 0,5 ha and a width of more than 20 m. Rubberwood plantations and cork oak stands are included. However, the definition of 'forest' excludes: land predominantly used for agricultural practices;

(b) 'other wooded land' means land either with a tree crown cover (or equivalent stocking level) of 5 to 10 % of trees able to reach a height of 5 m at maturity *in situ*, or a crown cover (or equivalent stocking level) of more than 10 % of trees not able to reach a height of 5 m at maturity *in situ* (e.g. dwarf or stunted trees) and shrub or bush cover. The definition of 'other wooded land' excludes: areas having the tree, shrub or bush cover specified above but of less than 0,5 ha and width of 20 m, which are classed under 'other land'; land predominantly used for agricultural practices;

(c) 'other land' means land not classified as forest or other wooded land as defined in this Regulation, but which nonetheless has been included in forest fire statistics under national law. Such land may include heathland, waste land or agricultural land adjoining or enclosed by forest land;

(d) 'forest fire' means fire which breaks out and spreads on forest and other wooded land or which breaks out on other land and spreads to forest and other wooded land. The definition of 'forest fire' excludes: prescribed or controlled burning, usually with the aim of reducing or eliminating the quantity of accumulated fuel on the ground;

(e) 'geo-referenced' means a reference to a specific geographic area within which data or other information is gathered. The area referred to may be larger than the area or point from which the data/information is gathered, for example in order to ensure anonymity as regards the source of gathered data/information.

SECTION 2**Monitoring and tools to improve and develop the scheme***Article 4*

1. Building on the achievements of Regulation (EEC) No 3528/86, the scheme shall:

- (a) continue and further develop the systematic network of observation points in order to conduct periodic inventories in order to gather representative information on the condition of forests;
- (b) continue and further develop the network of observation plots, on which intensive and continuous monitoring of forests is carried out.

2. Detailed rules for the implementation of paragraph 1 shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 5

1. Building on the achievements of Regulation (EEC) No 2158/92, the scheme shall continue and further develop the information system in order to collect comparable information on forest fires at Community level.

2. The scheme shall allow Member States to conduct studies on the identification of the causes and dynamics of forest fires, as well as on their impacts on forests. Those studies shall complement activities and measures relating to forest fires undertaken in accordance with Decision 1999/847/EC, Regulation (EC) No 1257/1999 and Regulation (EEC) No 1615/89.

In addition and up to 31 December 2005, awareness-raising campaigns and special training for agents involved in fire prevention interventions shall be financed separately in accordance with Article 13(1), unless such measures are included in the rural development programmes.

3. Forest fire prevention measures which were eligible under Regulation (EEC) No 2158/92 shall be financed in accordance with Articles 12(2)b and 13(1), provided that they are not supported by Regulation (EC) No 1257/1999 and that they are not included in the national/regional rural development programmes.

4. Member States may, at their request, participate in the measures and activities referred to in paragraphs 1 and 2.

5. Detailed rules for the implementation of paragraphs 1 and 2 shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 6

1. For the realisation of the objectives set out in Article 1(1)(b) the scheme shall be developed by means of studies, experiments, demonstration projects, testing on a pilot basis

and establishment of new monitoring activities. The Commission shall, in cooperation with the Member States, develop the scheme, in particular to:

- (a) enhance the knowledge of the condition of forests and other wooded land as well as the relationship between their condition and natural and anthropogenic stress factors;
- (b) assess impacts of climate change on forests and other wooded land, including impacts on their biological diversity and their relationship with carbon sequestration and soil;
- (c) taking into account the relevant existing indicators, identify key structural and functional ecosystem elements to be used as indicators for assessing status and trends of biological diversity in forests and the protective functions of forests.

2. In parallel with the measures set out in paragraph 1, the Member States may, at the request of the Commission or on their own initiative, carry out studies, experiments, demonstration projects or a monitoring test phase.

3. The measures set out in paragraphs 1 and 2 shall help to identify options for the establishment of new monitoring activities under the scheme, which should contribute substantially to the information and monitoring needs within the fields listed under Article 1(1)(b). The implementation of these activities shall be considered as part of the review referred to in Article 18. When developing the scheme, the Commission shall take account of scientific as well as financial needs and restrictions.

4. Detailed rules for the implementation of paragraphs 1, 2 and 3, including decisions on the implementation of new monitoring activities, shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 7

1. For the realisation of the objectives set out in Article 1(1)(c) and in addition to the actions set out in Article 6, the Commission, in close cooperation with the Member States, shall conduct studies, experiments and demonstration projects in order to:

- (a) promote harmonised collection, handling and assessment of data at Community level;
- (b) improve data evaluation at Community level;
- (c) improve the quality of data and information gathered under the scheme.

2. For the realisation of the objectives set out in Article 1(1)(c) and in addition to the actions set out in Article 6, Member States may integrate in their national programmes studies, experiments and demonstration projects in the areas described under paragraph 1.

3. Detailed rules for the implementation of paragraph 1 shall be laid down in accordance with the procedure referred to in Article 17(2).

SECTION 3**National programmes, coordination and cooperation***Article 8*

1. The activities provided for in Articles 4, 5, 6(2) and (3) and 7(2) shall be implemented under national programmes, to be drawn up by the Member States for periods of two years.

2. The national programmes shall be submitted to the Commission within 60 days following the entry into force of this Regulation and thereafter before 1 November in the year preceding the commencement date of each three-year period.

3. Member States shall adapt their national programmes with the approval of the Commission, in particular in order to allow for the extension of the monitoring activity, developed in accordance with Article 6, when established.

4. The national programmes shall be accompanied by an *ex ante* evaluation when they are submitted to the Commission. The Member States shall also carry out mid-term evaluations at the end of the third year of the period indicated in Article 12 and *ex post* evaluations at the end of that period.

5. The Commission shall, on the basis of the national programmes submitted, or on the basis of any approved adaptations of these national programmes, decide on the financial contributions to the eligible costs.

6. Detailed rules for the implementation of paragraphs 1 to 5 shall be laid down in accordance with the procedure referred to in Article 17(2), taking into account national, European and international monitoring mechanisms in order to avoid any additional administrative burden.

Article 9

1. The Commission, in cooperation with the Member States, shall coordinate, monitor and develop the scheme and shall report on it, in particular to the Standing Forestry Committee.

2. The Commission, in cooperation with the Member States, shall assess data at Community level and shall ensure the evaluation of the collected data and information at Community level in accordance with Article 15.

3. The Commission shall establish a scientific advisory group which shall assist the Standing Forestry Committee in preparing its work, in particular to develop the scheme as referred to in Article 6.

4. To fulfil the tasks laid down in paragraphs 1 and 2, the Commission shall establish a scientific coordination body within the Joint Research Centre, and may consult and contract research institutes and experts, taking full account of the range of different forest ecosystems in the Community.

5. To fulfil its reporting tasks laid down in paragraph 1 the Commission shall be assisted by the European Environmental Agency.

6. Detailed rules for the implementation of paragraph 3 shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 10

1. To harmonise the activities referred to in Articles 4, 5 and 6(3) and to ensure the comparability of data, manuals shall specify mandatory and optional parameters and lay down the monitoring methods as well as the data formats to be used for data transmission. Manuals should build on existing systems where available and appropriate.

2. Detailed rules for the implementation of paragraph 1 shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 11

1. In the context of the objectives set out in Article 1, the Commission and the Member States shall cooperate and foster synergies with other bodies at an international or pan-European level in order to promote conservation and protection of forests for the benefit of sustainable development.

2. In the context of Article 4, the Commission shall collaborate with ICP Forests to meet obligations set out in the framework of the Convention on Long-range Transboundary Air Pollution.

3. For the purpose of the cooperation referred to in paragraphs 1 and 2, the Community may support the following activities:

(a) establishment of appropriate links to the scientific coordination body;

(b) studies and data evaluations.

SECTION 4**Period of execution and financial aspects***Article 12*

1. The scheme shall run for a period of four years from 1 January 2003 to 31 December 2006.

2. For the purposes of the scheme the maximum financial support of the Community to the eligible costs of the national programmes shall be as follows:

(a) activities to be carried out under Article 4: 50 %;

(b) activities to be carried out under Article 5: 50 %;

(c) activities to be carried out under Article 6(2): 75 %;

(d) activities to be carried out under Article 6(3): 50 %;

(e) activities to be carried out under Article 7(2): 50 %.

3. The Commission shall pay the Community contribution to the eligible costs to the Member States.

4. Expenditure incurred by Member States in carrying out national programmes approved by the Commission shall exceptionally be eligible for co-financing if those actions were launched after 1 January 2003 and before the date of entry into force of this Regulation, provided these actions are not complete when the Commission decides upon the national programmes.

5. The Commission shall finance activities to be carried out under Articles 6(1), 7(1) and 9(1), (2) and (4) in accordance with the applicable rules for public procurement.

6. The Community may provide a contribution to the European Environmental Agency for the fulfilment of the tasks set out in Articles 9(5) and 18.

7. The Commission may finance activities of the scientific advisory group referred to in Article 9(3) for the fulfilment of the tasks set out in the detailed rules.

8. The Community may provide a contribution to ICP Forests in order to meet the Community's obligations set out in Article 11(2).

Article 13

1. The financial framework for the implementation of the scheme for the period 2003 to 2006 shall be EUR 61 million, of which EUR 9 million can be used for fire prevention measures.

2. The financial resources fixed in paragraph 1 shall be increased in the case of accession of new Member States to the European Union.

3. The annual appropriations shall be authorised by the budgetary authority within the annual budgetary procedure and the limits of the financial perspective.

SECTION 5

Execution, reporting by Member States, Standing Forestry Committee

Article 14

1. Member States shall designate the bodies competent to manage the activities included in the approved national programmes, on the basis of the financial and operational capacity of those bodies. Those bodies may be either national administrations or other entities, subject to the Commission's approval of private entities with a public service mission providing adequate financial guarantees and complying with the conditions provided for in the detailed rules for the implementation of this paragraph.

2. Without prejudice to the existing competent authorities, Member States shall designate the authorities and agencies empowered to carry out the measures adopted in accordance with this Regulation.

3. Member States shall be responsible for the sound and efficient management of the Community contribution. To that end, they shall adopt the provisions necessary to:

(a) ensure that the activities financed by the Community are actually carried out and that they are carried out in the proper manner, ensuring the visibility of the contribution of the Community;

(b) prevent any irregularity;

(c) recover payments lost as a result of any irregularity or negligence;

(d) ensure that the bodies mentioned in paragraph 1 have proper internal management and control systems;

(e) ensure that, if the bodies mentioned in paragraph 1 are not public entities, Member States stand guarantee for them.

4. Member States shall provide the Commission with all the necessary information and shall make any arrangements which may facilitate checks, including on-the-spot inspections by the Commission or the European Court of Auditors, which the Commission considers appropriate for the purposes of managing Community financing. Member States shall inform the Commission of any arrangements made to this end.

5. Detailed rules for the implementation of paragraphs 1 to 4 shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 15

1. The Member States shall annually, through the designated authorities and agencies, forward to the Commission the data gathered under the scheme, together with a report on them.

The data shall be geo-referenced and transmitted to the Commission by means of computer telecommunications and/or electronic technology. The Commission shall, in close cooperation with the Member States, establish the format and particulars needed for such transmission.

2. The Member States shall actively disseminate the data gathered, on the basis of common formats and standards and through electronic geo-referenced databases, which will be administered in accordance with the principles of the Aarhus Convention and relevant Community provisions on access to environmental information.

3. In order to promote the evaluation of the data and to obtain the highest added value from the use of the data, the Commission's right to use and disseminate data in accordance with the principles of the Aarhus Convention and relevant Community provisions on access to environmental information shall not be restricted. In any such dissemination of data gathered from Member States, the Member States must be accredited as the source.

4. Detailed rules for the implementation of paragraph 1 shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 16

1. Each Member State shall draw up, in particular on the basis of the activities set out in Article 4(1), a report on the national situation regarding condition of forests.

The report shall be transmitted to the Commission no later than 31 December 2005.

2. Each Member State participating in the activities set out in Article 5 shall draw up a report on the national situation regarding the impact of fires on forests.

The report shall be transmitted to the Commission no later than 31 December each year, starting from 2003.

3. Each Member State shall draw up a report on the national situation regarding matters covered by the monitoring activities referred to in Article 6(3), when established.

Guidelines for the reporting and the reporting period shall be laid down in accordance with the procedure referred to in Article 17(2).

Article 17

1. The Commission shall be assisted by the Standing Forestry Committee.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

3. The Committee shall adopt its Rules of Procedure.

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

Done at Brussels, 17 November 2003.

For the European Parliament
The President
P. COX

SECTION 6

Reporting by the Commission, review, candidate countries

Article 18

Six months from the date set for the transmission of the reports referred to in Article 16(1) and taking into account all reports transmitted pursuant to Article 16, the Commission, assisted by the European Environment Agency, shall submit a report on the implementation of the scheme to the European Parliament and to the Council, reviewing the effectiveness of the scheme in order to provide a basis for any decisions on the continuation of these activities after 2006. To this end, the Commission is invited to present a proposal.

Article 19

Before the expiry of the period referred to in Article 12(1), the Commission shall submit to the European Parliament and to the Council a report on the implementation of the scheme, taking into account the review referred to in Article 18.

Article 20

This scheme shall be open to participation by:

- (a) the candidate countries of central and eastern Europe, in accordance with the conditions established in the Europe Agreements, in their additional protocols and in the decisions of the respective association councils;
- (b) Cyprus, Malta and Turkey, on the basis of bilateral agreements to be concluded with these countries;
- (c) other European countries, optionally, at their own expense.

Article 21

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

It shall apply from 1 January 2003.

For the Council
The President
G. ALEMANNO

COMMISSION REGULATION (EC) No 2153/2003
of 10 December 2003
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 11 December 2003.

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

Done at Brussels, 10 December 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 10 December 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	79,5
	204	63,5
	212	108,5
	624	111,0
	999	90,6
0707 00 05	052	34,1
	999	34,1
0709 90 70	052	120,2
	204	124,4
	999	122,3
0805 10 10, 0805 10 30, 0805 10 50	052	39,3
	204	40,9
	388	38,0
	999	39,4
0805 20 10	052	62,0
	204	61,2
	999	61,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	67,9
	464	138,2
	999	103,1
0805 50 10	052	73,8
	388	77,8
	400	38,8
	600	86,7
	999	69,3
0808 10 20, 0808 10 50, 0808 10 90	060	41,1
	064	51,2
	400	77,6
	404	84,8
	720	82,5
	800	135,4
	999	78,8
0808 20 50	052	90,0
	060	53,5
	064	60,8
	400	102,6
	528	218,0
	720	129,9
	999	109,1

⁽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 2154/2003
of 10 December 2003
provisionally authorising certain micro-organisms in feedingstuffs (*Enterococcus faecium* and *Lactobacillus acidophilus*)
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, as last amended by Commission Directive 2003/7/EC ⁽²⁾, and in particular Articles 3 and 9e(1) thereof,

Whereas:

(1) Directive 70/524/EEC requires that no additive may be put into circulation unless a Community authorisation has been granted.

(2) In the case of additives referred to in Part II of Annex C to Directive 70/524/EEC, which include micro-organisms, provisional authorisation of a new additive or new use of an additive already authorised in feedingstuffs, may be given if the conditions laid down in that Directive are satisfied and, if it is reasonable to assume, in view of the available results, that when used in animal nutrition, it has one of the effects referred to in Article 2(a) of that Directive. Such provisional authorisation may be given for a period not exceeding four years.

(3) The assessment of the applications for authorisation submitted in respect of the micro-organisms specified in the Annex to this Regulation, shows that the conditions referred to in Article 9e(1) of Directive 70/524/EEC are satisfied.

(4) The use of *Enterococcus faecium* has already been authorised for a period of four years by the Commission Regulation (EC) No 666/2003/EC ⁽³⁾ for piglets and pigs for fattening.

(5) New data were submitted in support of an application to extend the authorisation of the use of *Enterococcus faecium* to sows.

(6) Data were submitted in support of an application of the new additive *Lactobacillus acidophilus* for laying hens.

(7) The use of the *Lactobacillus acidophilus* for laying hens and the *Enterococcus faecium* for sows, specified in the Annex, should therefore be authorised on a provisional basis for a period of four years and be included in Chapter IV of the list of authorised additives.

(8) The Scientific Committee for Animal Nutrition delivered favourable opinions on the safety of the use of these micro-organisms, under the conditions set out in the Annex to this Regulation.

(9) The assessment of the applications shows that certain procedures are required to protect workers from exposure to the additives set out in the Annex. However, such protection is assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁴⁾, as amended by Regulation (EC) No 1882/2003 ⁽⁵⁾.

(10) 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

The additives belonging to the group 'micro-organisms' referred to in the Annex are authorised for use as the additives in feedingstuffs under the conditions laid down in the Annex.

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 270, 14.12.1970, p. 1.

⁽²⁾ OJ L 22, 25.1.2003, p. 28.

⁽³⁾ OJ L 96, 12.4.2003, p. 11.

⁽⁴⁾ OJ L 183, 29.6.1989, p. 1.

⁽⁵⁾ OJ L 284, 31.10.2003, p. 1.

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

Done at Brussels, 10 December 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

No (or EC No)	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU/kg of complete feedingstuff			
Micro-organisms								
22	<i>Enterococcus faecium</i> DSM7 134	Preparation of <i>Enterococcus faecium</i> containing a minimum of: Powder: 1 × 10 ¹⁰ CFU/g of additive Granules (micro-encapsulated): 1 × 10 ¹⁰ CFU/g of additive	Sows	—	0,5 × 10 ⁹	1 × 10 ⁹	The directions for use must indicate the storage temperature, shelf-life and pelleting stability both of the additive and the premixture. Sows 25 days before farrowing and during lactation.	14.12.2007
23	<i>Lactobacillus acidophilus</i> D2/CSL CECT4 529	Preparation of <i>Lactobacillus acidophilus</i> containing minimum of: 50 × 10 ⁹ CFU/g additive	Laying hens	—	1 × 10 ⁹	1 × 10 ⁹	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting.	14.12.2007

COMMISSION REGULATION (EC) No 2155/2003
of 10 December 2003
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 ⁽³⁾, as last amended by Regulation (EEC) No 2962/77 ⁽⁴⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 December 2003.

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

Done at Brussels, 10 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ L 78, 31.3.1972, p. 1.

⁽⁴⁾ OJ L 348, 30.12.1977, p. 53.

ANNEX

to the Commission Regulation of 10 December 2003 fixing the export refunds on olive oil

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	0,00

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

The numeric destination codes are set out in Commission Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6).

COMMISSION REGULATION (EC) No 2156/2003
of 10 December 2003
on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽¹⁾, as last amended by Regulation (EC) No 649/2003 ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2003 to 30 June 2004 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 December 2003 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of January 2004 for 6 079,339 t.

Article 2

This Regulation shall enter into force on 11 December 2003.

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

Done at Brussels, 10 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 95, 11.4.2003, p. 13.

**COMMISSION REGULATION (EC) No 2157/2003
of 10 December 2003**

amending for the 26th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, as last amended by Commission Regulation (EC) No 2049/2003 ⁽²⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 4 December 2003, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Therefore, Annex I should be amended accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 10 December 2003.

For the Commission

Christopher PATTEN

Member of the Commission

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

⁽²⁾ OJ L 303, 21.11.2003, p. 20.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entry shall be added under the heading 'Natural persons':

Saifi AMMARI (alias (a) El Para (combat name), (b) Abderrezak Le Para, (c) Abou Haidara, (d) El Ourassi, (e) Abderrezak Zaimeche, (f) Abdul Rasak Ammane Abu Haidra, (g) Abdalarak). Date of birth: 1 January 1968. Place of birth: Kef Rih, Algeria. Nationality: Algerian.

**COMMISSION REGULATION (EC) No 2158/2003
of 10 December 2003
fixing the import duties in the rice sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 1298/2002 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 11 December 2003.

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

Done at Brussels, 10 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 189, 18.7.2002, p. 8.

⁽⁵⁾ OJ L 120, 15.5.2003, p. 15.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽⁵⁾				
	Third countries (except ACP and Bangla- desh) ⁽⁷⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁸⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	189,71	62,06	90,52		142,28
1006 20 13	189,71	62,06	90,52		142,28
1006 20 15	189,71	62,06	90,52		142,28
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	189,71	62,06	90,52		142,28
1006 20 94	189,71	62,06	90,52		142,28
1006 20 96	189,71	62,06	90,52		142,28
1006 20 98	264,00	88,06	127,66	14,00	198,00
1006 30 21	360,14	113,66	165,16		270,11
1006 30 23	360,14	113,66	165,16		270,11
1006 30 25	360,14	113,66	165,16		270,11
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	360,14	113,66	165,16		270,11
1006 30 44	360,14	113,66	165,16		270,11
1006 30 46	360,14	113,66	165,16		270,11
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	360,14	113,66	165,16		270,11
1006 30 63	360,14	113,66	165,16		270,11
1006 30 65	360,14	113,66	165,16		270,11
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	360,14	113,66	165,16		270,11
1006 30 94	360,14	113,66	165,16		270,11
1006 30 96	360,14	113,66	165,16		270,11
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

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

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

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	189,71	360,14	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	264,19	189,04	371,19	436,45	—
(b) fob price (EUR/tonne)	—	—	—	346,72	411,98	—
(c) Sea freight (EUR/tonne)	—	—	—	24,47	24,47	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 2159/2003
of 10 December 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 31,969/100 kg.

Article 2

This Regulation shall enter into force on 11 December 2003.

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

Done at Brussels, 10 December 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.

ADDENDUM TO REGULATION (EC) No 998/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 26 MAY 2003 ON THE ANIMAL HEALTH REQUIREMENTS APPLICABLE TO THE NON-COMMERCIAL MOVEMENT OF PET ANIMALS AND AMENDING COUNCIL DIRECTIVE 92/65/EEC ⁽¹⁾

COMMISSION DECLARATION

The Commission considers that the wording of the first subparagraph of Article 24(2) and that of the first subparagraph of Article 24(3) of this Regulation is not in conformity with Decision 1999/468/EC, as Article 8 of that decision should only cover implementation measures aimed at public health objectives. As a consequence, the Commission reserves the right to take appropriate action.

⁽¹⁾ OJ L 146, 13.6.2003, p. 1.

COMMISSION DIRECTIVE 2003/113/EC
of 3 December 2003

amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for certain pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ⁽¹⁾, as last amended by Commission Directive 2003/62/EC ⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin ⁽³⁾, as last amended by Commission Directive 2003/60/EC ⁽⁴⁾, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on fixing of maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables ⁽⁵⁾, as last amended by Commission Directive 2003/69/EC ⁽⁶⁾, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽⁷⁾, as last amended by Commission Directive 2003/84/EC ⁽⁸⁾, and in particular Article 4(1)(f) thereof,

Whereas:

- (1) The existing active substances 2,4-DB linuron and pendimethalin, were included in Annex I to Council Directive 91/414/EEC by Commission Directive 2003/31/EC ⁽⁹⁾.
- (2) The new active substances imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl and cyazofamid were included in Annex I to Council Directive 91/414/EEC by Commission Directive, 2003/23/EC ⁽¹⁰⁾.

(3) The inclusion in Annex I to Directive 91/414/EEC of the active substances concerned was based on the assessment of the information submitted concerning the proposed use. Information relating to this use has been submitted by certain Member States in accordance with Article 4(1)(f) of Directive 91/414/EEC. The information available has been reviewed and is sufficient to allow certain maximum residue levels (MRLs) to be fixed.

(4) Where no Community MRL or provisional MRL exists, Member States are to establish a national provisional MRL in accordance with Article 4(1)(f) of Directive 91/414/EEC before plant protection products containing these active substances may be authorised.

(5) With respect to the inclusion in Annex I to Directive 91/414/EEC of the active substances concerned, the related technical and scientific evaluations were finalised in the form of Commission review reports. The assessment reports for the substances mentioned were finalised on the dates as mentioned in the Commission Directives cited under (1) and (2). These reports fixed the Acceptable Daily Intake (ADI) and if necessary, the Acute Reference Dose (ARfD) for the substances concerned. The exposure of consumers of food products treated with the active substance concerned has been assessed and evaluated in accordance with Community procedures. Account has also been taken of guidelines published by the World Health Organisation ⁽¹¹⁾ and the opinion of the Scientific Committee for Plants ⁽¹²⁾ on the methodology employed. It is concluded that MRLs proposed will not lead to those ADIs or ARfDs being exceeded.

(6) In order to ensure that the consumer is adequately protected from exposure to residues resulting from unauthorised uses of plant protection products, provisional MRLs should be set for the relevant product/pesticide combinations at the lower limit of analytical determination.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37.

⁽²⁾ OJ L 154, 21.6.2003, p. 70.

⁽³⁾ OJ L 221, 7.8.1986, p. 43.

⁽⁴⁾ OJ L 155, 24.6.2003, p. 15.

⁽⁵⁾ OJ L 350, 14.12.1990, p. 71.

⁽⁶⁾ OJ L 175, 15.7.2003, p. 37.

⁽⁷⁾ OJ L 230, 19.8.1991, p. 1.

⁽⁸⁾ OJ L 247, 30.9.2003, p. 20.

⁽⁹⁾ OJ L 101, 23.4.2003, p. 3.

⁽¹⁰⁾ OJ L 81, 28.3.2003, p. 39.

⁽¹¹⁾ Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).

⁽¹²⁾ Opinion of the Scientific Committee on Plants regarding questions relating to amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC (Opinion expressed by the Scientific Committee on Plants, 14 July 1998) (http://europa.eu.int/comm/food/fs/sc/index_en.html).

- (7) The setting at Community level of such provisional MRLs does not prevent the Member States from establishing provisional MRLs for the substances in this Directive in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI thereto. It is considered that a period of four years is sufficient to permit further uses of the active substance concerned. The provisional MRL should then become definitive.
- (8) It is therefore necessary to add all of the pesticide residues arising from use of these plant protection products to the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC to allow for proper surveillance and control of the prohibition of their uses and to protect the consumer. The Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended accordingly.
- (9) This Directive is in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The maximum pesticide residue levels for 2,4-DB, linuron, pendimethalin, imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl and cyazofamid as shown in Annex I to this Directive are added to Part A of Annex II to Directive 86/362/EEC.

Article 2

The maximum pesticide residue levels for pendimethalin, as shown in Annex II to this Directive are added to Annex IIA to Directive 86/363/EEC. The maximum pesticide residue levels for 2,4-DB and oxasulfuron as shown in Annex III to this Directive are added to Annex IIB to Directive 86/363/EEC.

Article 3

The maximum pesticide residue levels for 2,4-DB, linuron, pendimethalin, imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl and cyazofamid as shown in Annex IV to this Directive are added to Annex II to Directive 90/642/EEC.

Article 4

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive six months after publication of this Directive in the *Official Journal of the European Union* at the latest. They shall forthwith inform the Commission thereof.

They shall apply these provisions with effect from 4 June 2005.

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

Article 5

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 3 December 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)								
	2,4-DB	linuron	imazamox	pendimethalin	oxasulfuron	ethoxysulfuron	foramsulfuron	oxadiargyl	cyazofamid
CEREALS	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,02 (*) (p)
Barley									
Buckwheat									
Maize									
Millet									
Oats									
Rice									
Rye									
Sorghum									
Triticale									
Wheat									
Cereals others									

(*) indicates lower limit of analytical determination
(p) indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from (four years from date of coming into force of the Directive introducing this amendment)

ANNEX II

Pesticide residues	Maximum levels in mg/kg (ppm)		
	Of fat contained in meat, preparations of meat, offal and animal fats listed in Annex I under heading Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602 ⁽¹⁾ ⁽⁴⁾	for cow's milk and whole cream cow's milk listed in Annex I under headings No 0401: for other foodstuffs in heading Nos 0401, 0402, 0405 00 and 0406 in accordance with ⁽²⁾ ⁽⁴⁾	of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I under heading Nos 0407 00 and 0408 ⁽³⁾ ⁽⁴⁾
Pendimethalin	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)

(*) Indicates lower limit of analytical determination

(p) indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 31 December 2007.

⁽¹⁾ In the case of foodstuffs with a fat content of 10 % or less by weight, the residue is related to the total weight of the boned foodstuff. In such cases, the maximum level is one-tenth of the value related to fat content, but must be no less than 0,01 mg/kg.

⁽²⁾ In determining the residues in raw cow's milk and whole cream cow's milk, a fat content of 4 % by weight should be taken as a basis. For raw milk and whole cream milk of another animal origin the residues are expressed on the basis of the fat.

For the other foodstuffs listed in Annex I under heading Nos 0401, 0402, 0405 00, and 0406:

— with a fat content of less than 2 % by weight, the maximum level is taken as half that set for raw milk and whole cream milk,

— with a fat content of 2 % or more by weight, the maximum level is expressed in mg/kg of fat. In such cases, the maximum level is 25 times that set for raw milk and whole cream milk.

⁽³⁾ For eggs and egg products with a fat content higher than 10 %, the maximum level is expressed in mg/kg fat.

In this case, the maximum level is 10 times higher than the maximum level for fresh eggs.

⁽⁴⁾ Footnotes ⁽¹⁾, ⁽²⁾ and ⁽³⁾ do not apply in cases where the lower limit of analytical determination is indicated.

ANNEX III

Pesticide residues	Maximum levels in mg/kg (ppm)		
	Of meat, including fat, preparations of meat, offal and animal fats listed in Annex I under heading Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602	for milk and milk products listed in Annex I under heading Nos 0401, 0402, 0405 00 and 0406	of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I under heading Nos 0407 00 and 0408
2,4-DB	0,05 (*) (p) meat 0,1 (p) liver, kidney	0,01 (*) (p)	0,05 (*) (p)
oxasulfuron	0,05 (*) (p)		

(*) indicates lower limit of analytical determination.

(p) indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 31 December 2007.

ANNEX IV

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts		0,05 (*) (p)							0,01 (*) (p)
(i) CITRUS FRUIT									
Grapefruit									
Lemons									
Limes									
Mandarins (including clementines and other hybrids)									
Oranges									
Pomelos									
Others		0,05 (*) (p)							0,01 (*) (p)
(ii) TREE NUTS (shelled or unshelled)									
Almonds									
Brazil nuts									
Cashew nuts									
Chestnuts									
Coconuts									
Hazelnuts									
Macadamia									
Pecans									
Pine nuts									
Pistachios									
Walnuts									
Others		0,05 (*) (p)							0,01 (*) (p)

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(iii) POME FRUIT									
Apples									
Pears									
Quinces									
Others		0,05 (*) (p)							0,01 (*) (p)
(iv) STONE FRUIT									
Apricots									
Cherries									
Peaches (including nectarines and similar hybrids)									
Plums									
Others		0,05 (*) (p)							
(v) BERRIES AND SMALL FRUIT									0,5 (p)
(a) Table and wine grapes									
Table grapes									
Wine grapes									0,01 (*) (p)
(b) Strawberries (other than wild)									0,01 (*) (p)
(c) Cane fruit (other than wild)									
Blackberries									
Dewberries									
Loganberries									
Raspberries									
Others									0,01 (*) (p)

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(d) Other small fruit and berries (other than wild)									
Bilberries									
Cranberries									
Currants (red, black and white)									
Gooseberries									
Others									0,01 (*) (p)
(e) Wild berries and wild fruit		0,05 (*) (p)							0,01 (*) (p)
(vi) MISCELLANEOUS									
Avocados									
Bananas									
Dates									
Figs									
Kiwi									
Kumquats									
Litchis									
Mangoes									
Olives									
Passion fruit									
Pineapples									
Papaya									
Others	0,05 (*) (p)			0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
2. Vegetables, fresh or uncooked, frozen or dry									0,01 (*) (p)
(i) ROOT AND TUBER VEGETABLES									
Beetroot		0,2 (p)	0,2 (p)						
Carrots		0,5 (p)							
Celeriac			0,2 (p)						
Horseradish									
Jerusalem artichokes		0,2 (p)	0,2 (p)						
Parsnips		0,2 (p)	0,2 (p)						
Parsley root									
Radishes									
Salsify									
Sweet potatoes									
Swedes									
Turnips									
Yam		0,05 (*) (p)	0,05 (*) (p)						
Others		0,05 (*) (p)	0,05 (*) (p)						0,01 (*) (p)
(ii) BULB VEGETABLES									
Garlic									
Onions									
Shallots									
Spring onions									
Others		0,05 (*) (p)	0,05 (*) (p)						

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(iii) FRUITING VEGETABLES									
(a) Solanacea									0,2 (p)
Tomatoes									
Peppers									
Aubergines									0,01 (*) (p)
Others									
(b) Cucurbits — edible peel									0,1 (p)
Cucumbers									
Gherkins									
Courgettes									0,01 (*) (p)
Others									0,1 (p)
(c) Cucurbits — inedible peel									
Melons									
Squashes									
Watermelons									
Others									0,01 (*) (p)
(d) Sweet corn		0,05 (*) (p)	0,05 (*) (p)						0,01 (*) (p)
(iv) BRASSICA VEGETABLES									
(a) Flowering brassica									
Broccoli									
Cauliflower									
Others									

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(b) Head brassica									
Brussels sprouts									
Head cabbage									
Others									
(c) Leafy brassica									
Chinese cabbage									
Kale									
Others									
(d) Kohlrabi			0,05 (*) (p)						0,01 (*) (p)
(v) LEAF VEGETABLES AND FRESH HERBS		0,05 (*) (p)							
(a) Lettuce and similar									
Cress									
Lamb's lettuce									
Lettuce									
Scarole									
Others		0,05 (*) (p)							
(b) Spinach and similar									
Spinach									
Beet leaves (chard)									
Others		0,05 (*) (p)							
(c) Water cress		0,05 (*) (p)							
(d) Witloof									

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(e) Herbs									
Chervil									
Chives		1 (p)							
Parsley		1 (p)							
Celery leaves		0,05 (*) (p)							
Others			0,2 (p)						0,01 (*) (p)
(vi) LEGUME VEGETABLES (fresh)									
Beans (with pods)		0,1 (p)							
Beans (without pods)									
Peas (with pods)		0,1 (p)							
Peas (without pods)		0,05 (*) (p)							
Others			0,05 (*) (p)						0,01 (*) (p)
(vii) STEM VEGETABLES (fresh)									
Asparagus									
Cardoons		0,1 (p)							
Celery									
Fennel									
Globe artichokes									
Leek									
Rhubarb		0,05 (*) (p)							
Others		0,05 (*) (p)	0,05 (*) (p)						0,01 (*) (p)
(viii) FUNGI									
(a) Cultivated mushrooms									
(b) Wild mushrooms	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,01 (*) (p)

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
3. PULSES									
Beans									
Lentils									
Peas									
Others	0,05 (*) (p)	0,1 (p)	0,1 (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,02 (p)
4. OIL SEED									
Linseed									
Peanuts									
Poppy seeds									
Sesame seeds									
Sunflower seed									
Rape seed									
Soya bean									
Mustard seed									
Cotton seed									
Others	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,01 (*) (p)
5. POTATOES									
Early potatoes									
Ware potatoes	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,05 (*) (p)	0,05 (*) (p)	0,02 (*) (p)
6. TEA (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,05 (*) (p)	0,05 (*) (p)	0,02 (*) (p)
7. HOPS (dried), including hop pellets and unconcentrated powder	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,05 (*) (p)	0,05 (*) (p)	0,02 (*) (p)

(*) Indicates lower limit of analytical determination

(p) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 31 December 2007.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 November 2003

amending Decision 97/510/EC authorising Ireland to apply a measure derogating from Article 21 of the Sixth Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes

(2003/857/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽¹⁾, and in particular Article 27(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By letter received by the Secretariat-General of the Commission on 4 July 2003, Ireland requested the extension of Decision 97/510/EC ⁽²⁾ authorising it to apply a measure derogating from Article 21 of the Sixth Directive which enables it to combat tax evasion and tax fraud in the real-estate sector until 31 December 2007.
- (2) The matters of law and of fact which justified the application of the special measures in question have not changed and still pertain.

(3) The authorisation should therefore be extended until 31 December 2007.

(4) The derogation in question has no impact on the European Communities' own resources from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision 97/510/EC, '31 December 2003' shall be replaced by '31 December 2007'.

Article 2

This Decision is addressed to Ireland.

Done at Brussels, 25 November 2003.

For the Council

The President

G. TREMONTI

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2003/92/EC (OJ L 260, 11.10.2003, p. 8).

⁽²⁾ OJ L 214, 6.8.1997, p. 37. Decision amended by Decision 2000/435/EC (OJ L 172, 12.7.2000, p. 24).

COMMISSION

COMMISSION DECISION

of 21 November 2003

laying down the animal health conditions and certification requirements for imports of live fish, their eggs and gametes intended for farming, and live fish of aquaculture origin and products thereof intended for human consumption

(notified under document number C(2003) 4219)

(Text with EEA relevance)

(2003/858/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Council Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 19(1), Article 20(1) and Article 21(2) thereof,

Whereas:

- (1) A list of third countries or parts thereof, from which Member States are authorised to import live fish, their eggs and gametes for farming in the Community, should be established.
- (2) It is necessary to lay down specific animal health conditions and model certificates for those third countries, taking into account the animal health situation of the third country concerned and of the fish, eggs or gametes to be imported, in order to prevent the introduction of disease agents that could cause significant impact to the fish stock in the Community.

- (3) Attention should be paid to emerging diseases and diseases which are exotic to the Community and which could have serious impact on the fish stocks in the Community. Furthermore, the vaccination policy and the disease situation as regards epizootic haematopoietic necrosis (EHN) and the fish diseases referred to in Annex A to Directive 91/67/EEC, at the place of production and where appropriate at the place of destination should be taken into account.

- (4) It is necessary that countries or parts thereof from which Member States are authorised to import live fish, their eggs and gametes for farming, must apply conditions for disease control, and monitoring at least equivalent to Community standards as laid down in Directive 91/67/EEC and in Council Directive 93/53/EC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases ⁽³⁾, as last amended by Commission Decision 2001/288/EC ⁽⁴⁾. The sampling and testing methods used should be at least equivalent to Commission Decision 2001/183/EC ⁽⁵⁾ of 22 February 2001 laying down the sampling plans and diagnostic methods for the detection and confirmation of certain fish diseases and repealing Decision 92/532/EEC, and Commission Decision 2003/466/EC ⁽⁶⁾ of 13 June 2003 establishing criteria for zoning and official surveillance following suspicion or confirmation of the presence of Infectious salmon anaemia (ISA). In cases where sampling and testing methods are not laid down in the Community legislation, the sampling and testing methods used should be in accordance with those laid down in the International Office of Epizootics (OIE) Manual of Diagnostic Tests for Aquatic Animals.

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 175, 19.7.1993, p. 23.

⁽⁴⁾ OJ L 99, 10.4.2001, p. 11.

⁽⁵⁾ OJ L 67, 9.3.2001, p. 65.

⁽⁶⁾ OJ L 156, 25.6.2003, p. 61.

- (5) It is necessary that the responsible competent authorities of these third countries undertake to notify by fax, telegram or electronic mail, the Commission and the Member States within 24 hours, of any occurrence of epizootic haematopoietic necrosis (EHN), or diseases referred to in Annex A to Directive 91/67/EEC, as well as any other disease outbreaks causing a significant impact to the fish stock within their territory or parts thereof from which imports covered by this Decision are authorised. In such event, the responsible competent authorities of those third countries must take measures to prevent the disease spreading into the Community. Furthermore and as applicable, the Commission and the Member States should be notified of any alteration in the vaccination policy against such diseases.
- (6) In addition, when importing live fish of aquaculture origin and products thereof for human consumption, it is necessary to prevent the introduction into the Community of serious diseases affecting aquaculture animals.
- (7) Therefore, it is necessary to supplement the certification requirements relating to the importation of live fish of aquaculture origin and products thereof under Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003, with the animal health certification requirements.
- (8) It would reduce the possibility to control and eradicate diseases which are exotic to the Community and which could have serious impact on the fish stocks in the Community, if fish that could carry the disease are released into unenclosed waters in the Community. Live fish, eggs and gametes of aquaculture origin, should therefore be imported into the Community only if they are introduced into a farm.
- (9) This Decision should not apply to the importation of tropical ornamental fish kept permanently in aquariums.
- (10) This Decision should apply without prejudice to the public health conditions established under Directive 91/493/EEC.
- (11) This Decision should apply without prejudice to Community or national provision on the conservation of species.
- (12) Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products ⁽²⁾ lays down standards of certification. The rules and principles applied by third-country certifying officers should provide guarantees, which are equivalent to those laid down in that Directive.
- (13) The principles laid down in Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽³⁾, in particular Article 3 of that Directive should be taken into account.
- (14) A transitional period of time should be provided for the implementation of the new import certification requirements.
- (15) The list of approved countries referred to in Annex I to this Decision should be reviewed no later than 12 months after the date of application.
- (16) 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

Scope

1. This Decision establishes harmonised animal health rules for the importation of:
 - (a) live fish, their eggs and gametes, intended for farming in the Community;
 - (b) live fish of aquaculture origin intended for restocking of put-and take fisheries in the Community;
 - (c) live fish of aquaculture origin and products thereof, intended for immediate human consumption or further processing before human consumption.
2. This Decision shall not to apply to the importation of tropical ornamental fish kept permanently in aquariums.

Article 2

Definitions

1. For the purpose of this Decision, the definitions in Article 2 of Directives 91/67/EEC and 93/53/EEC shall apply.
2. The following definitions shall also apply:
 - (a) 'aquaculture origin' means fish originating from a farm;
 - (b) 'approved import centre' means any establishment in the Community where special bio-security measures have been put in place, approved by the competent authority of the Member State concerned, for further processing of imported live fish of aquaculture origin and products thereof;

⁽¹⁾ OJ L 268, 24.9.1991, p. 15.

⁽²⁾ OJ L 13, 16.1.1997, p. 28.

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

- (c) 'coastal zone' means a zone consisting of a part of the coast or sea water or an estuary:
- (i) which has a precise geographical delimitation and consists of a homogeneous hydrological system or a series of such systems, or
 - (ii) which is situated between the mouths of two water-courses, or
 - (iii) where there are one or more farms and all farms are surrounded by appropriate buffer zones on both sides of the farm or farms;
- (d) 'continental zone' means a zone consisting of either:
- (i) a part of the territory comprising an entire catchment area from the sources of the waterways to the estuary or more than one catchment area in which fish is reared, kept or caught, as necessary surrounded by a buffer zone in which a monitoring program is carried out without the necessity of obtaining the status of an approved zone, or
 - (ii) a part of a catchment area from the sources of the waterways to a natural or artificial barrier preventing fish migrating from downstream of that barrier, as necessary surrounded by a buffer zone in which a monitoring program is carried out without the necessity of obtaining the status of an approved zone.
- The size and the geographical situation of the continental zone must be such that the possibilities for recontamination e.g. by migrating fish are reduced to a minimum;
- (e) 'designated farm' means either:
- (i) a coastal farm in a third country subject to all necessary measures to prevent the introduction of diseases and to which the water is supplied by means of a system which ensures the complete inactivation of the following pathogens: infectious salmon anaemia (ISA), viral haemorrhagic septicaemia (VHS) and infectious haemorrhagic necrosis (IHN), or
 - (ii) an inland farm in a third country subject to all necessary measures to prevent the introduction of diseases. The farm is, if necessary, protected against flooding and infiltration of water, and there is a natural or artificial barrier situated down stream, which prevents fish from entering the farm. The water is supplied directly to the farm from a borehole, spring, or well, channelled through a pipe, open channel or a natural conduit, which does not constitute a source of infection for the farm and does not allow the introduction of wild fish. The water channel is under the control of the farm or of the competent authorities;
- (f) 'establishment' means: any premises approved according to Directive 91/493/EEC, where fishery products are prepared, processed, chilled, frozen, packaged or stored, but excluding auction and wholesale markets in which only display and sale by wholesale takes place;
- (g) 'farming' means: the activity that takes place on any farm or, in general, any geographically defined installation in which fish are reared or kept with a view to their being placed on the market;
- (h) 'fish products of aquaculture origin' means any products intended for human consumption derived from fish of aquaculture origin, including whole fish (un-eviscerated), eviscerated fish, and filets, and any products thereof;
- (i) 'further processing' means preparation and processing before human consumption by any kind of measures and techniques, that produces waste or byproducts which could cause a risk of spreading diseases, including: operations affecting the anatomical wholeness such as bleeding, gutting/evisceration, heading, slicing, filleting;
- (j) 'immediate human consumption' means that the fish imported for the purpose of human consumption do not undergo any further processing within the Community before being placed on the retail market for human consumption;
- (k) 'put and take fisheries' means ponds, lakes or unenclosed waters that are sustained by the introduction of fish primarily for recreational fishing rather than for conservation or improvement of natural population;
- (l) 'territory' means either a whole country, a coastal zone, a continental zone or a designated farm, which is authorised by the central competent authority of the third country concerned for exportation to the Community.

Article 3

Conditions for importation of live fish, their eggs and gametes intended for farming, and of live fish of aquaculture origin for restocking of put-and take fisheries, within the European Community

1. Member States shall authorise the importation into their territory live fish, their eggs and gametes for farming only if:

- (a) the fish originate in a territory listed in Annex I;
- (b) the consignment complies with the guarantees, including those for packaging and labelling and the appropriate specific additional requirements, as laid down in the animal health certificate, drawn up in conformity with the model in Annex II, taking into account the explanatory notes in Annex III;
- (c) the fish have been transported under conditions not altering their health status.

2. Member States shall authorise the importation into their territory live fish of aquaculture origin, their eggs and gametes intended for direct restocking of put-and take fisheries only if:

- (a) the consignment comply with the rules laid down in paragraph 1;
- (b) the put and take fishery do not represent lakes or unenclosed waters.

3. Member States shall ensure that imported fish of aquaculture origin, their eggs and gametes intended for farming or restocking of put-and take fisheries in Community waters, only are introduced into farms or put-and take fisheries representing ponds, and not introduced into unenclosed waters.

4. Member States shall ensure that imported live fish or aquaculture origin, their eggs and gametes are transported directly to the farm or pond of destination, as stated on the animal health certificate.

Article 4

Conditions related to importation of live fish of aquaculture origin for human consumption

Member States shall authorise the importation into their territory live fish of aquaculture origin intended for immediate human consumption or for further processing before human consumption, only if:

- (a) the consignment complies with the conditions laid down in Article 3 paragraph 1 and Article 7 paragraph 1 of this Decision; or
- (b) the fish are sent directly to an approved import centre to be slaughtered and eviscerated.

Article 5

Conditions related to importation of fish products of aquaculture origin for further processing before human consumption

1. Member States shall authorise the importation into their territory fish products of aquaculture origin intended for further processing before human consumption only if:

- (a) the fish originate in third countries and establishments authorised under Article 11 of Directive 91/493/EEC and comply with the public health certification requirements laid down under that Directive; and
- (b) the consignment complies with the guarantees, including those for packaging and labelling and the appropriate specific additional requirements, as laid down in the animal health certificate, drawn up in conformity with the model in Annex IV, taking into account the explanatory notes in Annex III.

2. Member States shall ensure that processing of fish products of aquaculture origin takes place in approved import centres unless:

- (a) the fish are eviscerated before dispatch; or
- (b) the place of origin has a health status equivalent to the place where they are to be processed in particular as regards epizootic haematopoietic necrosis (EHN) and the diseases referred to in lists I and II, column 1, of Annex A to Directive 91/67/EEC.

Article 6

Conditions related to importation of fish products of aquaculture origin for immediate human consumption

Member States shall authorise the importation into their territory of fish products of aquaculture origin intended for immediate human consumption only if:

- (a) the fish originate in third countries and establishments authorised under Article 11 of Directive 91/493/EEC and comply with the public health certification requirements laid down under that Directive;
- (b) the consignment complies with the guarantees, including those for packaging and labelling as laid down in the animal health certificate, drawn up in conformity with the model in Annex V, taking into account the explanatory notes in Annex III;
- (c) the consignment consists of consumer-ready packages of a size suitable for retail sale directly to the end consumer, like
 - (i) vacuum packed filets,
 - (ii) hermetically sealed or other heat-treated products,
 - (iii) frozen blocks of fish meat,
 - (iv) eviscerated fish frozen or placed on ice.

Article 7

Certification

1. In the case of live fish, their eggs and gametes, the competent authority at the border inspection post in the Member State of arrival shall complete the document referred to in Annex of Commission Decision 92/527/EEC ⁽¹⁾ with one of the statements laid down in Annex VI to this Decision as appropriate.

2. In the case of fish products of aquaculture origin, the competent authority at the border inspection post in the Member State of arrival shall complete the document referred to in Annex B to Commission Decision 93/13/EEC ⁽²⁾ with one of the statements laid down in Annex VI of this Decision as appropriate.

Article 8

Preventing contamination of natural waters

1. Member States shall ensure that imported live fish of aquaculture origin and products thereof intended for human consumption are not introduced into, and do not contaminate any natural waters within their territory.

2. Member States shall ensure that transport water from imported consignments does not lead to contamination of natural waters within their territory.

⁽¹⁾ OJ L 332, 18.11.1992, p. 22.

⁽²⁾ OJ L 9, 15.1.1993, p. 33.

*Article 9***Approval of import centres**

1. The competent authority of the Member States shall approve an establishment as an approved import centre provided that it satisfies the minimum animal health conditions of Annex VII to this Decision.
2. The competent authority of the Member State shall draw up a list of approved import centres, each of which shall be given an official number.
3. The list of approved import centres, and any subsequent amendments thereto, shall be communicated by the competent authority of each Member State to the Commission and to the other Member States.

*Article 10***Date of application**

This Decision shall apply from 1 May 2004.

Article 11

This Decision is addressed to the Member States.

Done at Brussels, 21 November 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Territories from which importation of certain species of live fish, their eggs, and gametes intended for farming in the European Community (EC) are authorised

Country		Territory		Specific requirements ⁽¹⁾				Comments ⁽²⁾
ISO code	Name	Code	Description	VHS	IHN	SVC	<i>G. salaris</i>	
AL	Albania							
AU	Australia							
BR	Brazil							Carp only
BG	Bulgaria							
CA	Canada							
CL	Chile							
CN	China, People's Republic of							Carp only
CO	Colombia							Carp only
CG	Congo							Carp only
HR	Croatia							
MK ⁽³⁾	Former Yugoslav Republic of Macedonia							Carp only
ID	Indonesia							
IL	Israel							
JM	Jamaica							Carp only
JP	Japan							Carp only
MY	Malaysia (Peninsular, Western Malaysia only)							Carp only
NZ	New Zealand							
RU	Russian Federation							
SG	Singapore							Carp only
ZA	South Africa							
LK	Sri Lanka							Carp only
TW	Taiwan							Carp only
TH	Thailand							Carp only
TR	Turkey							
US	United States							

⁽¹⁾ Insert 'Yes' or 'No' as relevant if designated farm, coastal or continental zone is approved by the central competent authority of the exporting country as a territory that fulfils the specific animal health requirements — including a non-vaccination policy — for introduction into European Community zones and farms having a Community approved programme or status, or for one or more of the diseases viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN), additional guarantees for spring viraemia of carp (SVC), and/or protective measures for *Gyrodactylus salaris* (*G. salaris*).

⁽²⁾ No limitations if left empty. If a country or territory is allowed to export only certain species and/or eggs or gametes, the species should be specified and/or a comment with for example 'eggs only' shall be inserted in this column.

⁽³⁾ Provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations currently taking place in the United Nations.

ANNEX II

Model animal health certificate for the importation of ⁽¹⁾ (live fish, eggs and gametes for farming) ⁽¹⁾ (live fish of aquaculture origin for the purpose of ⁽¹⁾ (human consumption) ⁽¹⁾ (restocking of put and take fisheries)) into the European Community (EC)

Note for the importer: This certificate is only for veterinary purposes and has — in its original — to accompany the consignment until it reaches the border inspection post.

Reference Code No		ORIGINAL
1. Exporting country and authorities involved	3. Destination of the consignment	
1.1. Exporting country:	3.1. Member State:	
1.2. Competent authority:	(1) (3.2. Zone or part ⁽³⁾ of the Member State:)	
1.3. Competent issuing authority:	(1) (3.3. Farm, name:)	
2. Place of origin of the consignment	3.4. Address:	
2.1. Code of territory of origin ⁽²⁾ :	3.5. Name, address and phone number of the Consignee:	
(1) (2.2. Farm of origin, name:)		
(1) (2.3. Address or location of farm:)		
2.4. Name, address and phone number of the Consignor:	4. Means of transport and consignment identification ⁽⁴⁾	
	4.1. (1) (Lorry) (1) (Rail wagon) (1) (Ship) (1) (Aircraft):	
	4.2. (1) (Registration number(s)) (1) (Ship name) (1) (Flight number):	
	4.3. Consignment identification details:	
5. Description of the consignment		
☐ Farmed stocks ☐ Wild stocks ☐ Live fish ☐ Gametes ☐ Fertilised eggs ☐ Unfertilised eggs ☐ Larvae/fry		
Fish specie(s)		Age of live fish
Scientific name	Common name	
		☐ >24 months ☐ 12-24 months ☐ 0-11 months ☐ unknown

6. **Animal health attestation for importation of ⁽¹⁾ (⁽¹⁾ (live fish) ⁽¹⁾ (and) ⁽¹⁾ (eggs) ⁽¹⁾ (and) ⁽¹⁾ (gametes) for farming) ⁽¹⁾ (live fish of aquaculture origin intended for) ⁽¹⁾ (human consumption) ⁽¹⁾ (for farming or restocking of put-and take fisheries))**

I, the undersigned official inspector, hereby certify that the (live fish) ⁽¹⁾ (and) ⁽¹⁾ (eggs) ⁽¹⁾ (and) ⁽¹⁾ (gametes) ⁽¹⁾, referred to at point 5 of this certificate fulfils the following requirements:

6.1. either:

⁽¹⁾ (

They originate from the territory ⁽²⁾ with the code:..... ⁽²⁾ and in which all farms rearing or keeping live fish, their eggs or gametes, of any species defined in the most recent edition of the OIE ⁽⁵⁾ International Aquatic Animal Health Code as susceptible to the following diseases: infectious salmon anaemia (ISA); epizootic haematopoietic necrosis (EHN); viral haemorrhagic septicaemia (VHS); and infectious haematopoietic necrosis (IHN):

- are officially registered by the competent authority,
- keep an updated record of: live fish, eggs and gametes entering and leaving the farm and all information relating to: their delivery and dispatch, their number or weight, their size, their source, their suppliers and observed mortality ⁽⁶⁾,
- have to notify as soon as possible to the competent authority, any suspicion of the following diseases: ISA, EHN, VHS and IHN; and any clinical signs giving reason to suspect the presence of a disease capable of causing significant impact to the fish stock,
- are subject to appropriate disease control measures as necessary at least equivalent to those required in Council Directives 91/67/EEC and 93/53/EEC including prohibition as regards vaccination against ISA, and as regards sampling and testing also Decisions 2001/183/EC and 2003/466/EC; in cases where sampling and testing methods are not established in the Community legislation, the methods are those laid down in the relevant chapters of the OIE ⁽⁵⁾ Manual of Diagnostic Tests for Aquatic Animals, Fourth edition, 2003,
- have had no disease, that has caused significant impact to the stock during the last six months prior to dispatch, and during the last two years, no cases of the diseases: ISA, and EHN,
- have, during the last two years prior to dispatch not introduced live fish, eggs or gametes with a lower health status,
- there are, on the day of loading, no clinical signs of disease and there is no suspicion of the presence of any of the following diseases: ISA, EHN, VHS and IHN,)

or

— ⁽¹⁾ (They originate from the territory ⁽¹⁾ with the code:..... ⁽¹⁾ and which:

- is a designated farm, or a farm that is not connected with coastal or estuarial waters, and that does not contain fish of the species considered as susceptible ⁽⁷⁾ to the diseases: infectious salmon anaemia (ISA); epizootic haematopoietic necrosis (EHN); viral haemorrhagic septicaemia (VHS); and infectious haematopoietic necrosis (IHN),
- keep an updated record of: live fish, eggs and gametes entering and leaving the farm and all information relating to: their delivery and dispatch, their number or weight, their size, their source, their suppliers and observed mortality ⁽⁶⁾,) and

6.2. they :

- have not, since the time of collection, been in contact with live fish, eggs or gametes of a lower health status than referred to in point 6.1 of this certificate,
- are not intended for destruction or slaughter for the eradication of the following diseases: ISA; VHS; IHN; EHN; spring viraemia of carp (SVC); Infectious pancreatic necrosis (IPN); Bacterial kidney disease (BKD, (*Renibacterium salmoninarum*), Furunculosis (*Aeromonas salmonicida*), Enteric redmouth disease (EBR, *Yersinia ruckeri*), *Gyrodactylus salaris*, or due diseases caused by any other pathogen,
- are not subject to any prohibitions for animal health reasons,
- were inspected on the day of loading and showed no clinical signs of disease,
- ⁽⁸⁾ (were subject to a visual check of a randomly selected representative part of the consignment, including each part having a different origin, and no fish species other than those specified in point 5 of this certificate were detected), and
- ⁽⁹⁾ (have been disinfected in accordance with OIE ⁽⁵⁾ International Aquatic Animal Health Code, most recent edition;)

⁽¹⁰⁾ (7. **Specific animal health requirements as regards VHS, IHN, SVC, and *Gyrodactylus salaris***

⁽¹¹⁾ (7.1. I, the undersigned official inspector, hereby certify that the (live fish) ⁽¹⁾ (and) ⁽¹⁾ (eggs) ⁽¹⁾ (and) ⁽¹⁾ (gametes) ⁽¹⁾, referred to at point 5 of this certificate, originate from a territory ⁽²⁾ that, in addition to the guarantees given in point 6 of this certificate, is approved by the competent authority as having an equivalent health status to those farms and zones within the Community, with approved status as regards (HVS) ⁽¹⁾ (and) ⁽¹⁾ (IHN) ⁽¹⁾, as they originate from:

Either

- ⁽¹⁾ (either (a coastal zone in which all farms are under the supervision of the competent authority, and;) ⁽¹⁾
 - or (a continental zone in which all farms are under the supervision of the competent authority, and;) ⁽¹⁾
 - or (a designated farm, where the water is supplied by means of a system which ensures also the complete inactivation of (VHS) ⁽¹⁾ (and) ⁽¹⁾ (IHN) ⁽¹⁾, that is under the supervision of the competent authority, and;)
 - or (a coastal zone in which there are no farms and the wild fish are;) ⁽¹⁾
 - or (a continental zone in which there are no farms and the wild fish are;) ⁽¹⁾
- subject to health inspections, carried out at intervals adapted to the development of (VHS) ⁽¹⁾ (and) ⁽¹⁾ (IHN) ⁽¹⁾ and samples are taken and examined for these pathogens with a negative result by an officially authorised laboratory and the sampling and testing methods are at least equivalent to those laid down in Directives 91/67/EEC, 93/53/EEC and Decision 2001/183/EC as the following surveillance scheme has been used:
 - (⁽¹²⁾ 'EC Model A' — at least four years documented freedom, including a two-year surveillance program)
 - (⁽¹²⁾ 'EC Model B' — at least six years documented freedom, including a two-year surveillance program with reduced sample size) ⁽¹²⁾ (⁽¹³⁾ 'EC Special provisions' – new farms) ⁽¹³⁾ (⁽¹³⁾ 'EC Special provisions' – farms which recommence their activities) ⁽¹³⁾ (⁽¹³⁾ 'OIE' – methods as described in the OIE ⁽⁵⁾ Manual of Diagnostic Tests for Aquatic Animals, Fourth edition, 2003, Chapters: I.1.4 (General) and (2.1.5. (VHS)) ⁽¹⁾ (and) ⁽¹⁾ (2.1.2. (IHN)) ⁽¹⁾ ⁽¹⁾)
- since at least two years free of clinical and other signs of (VHS) ⁽¹⁾ (and) ⁽¹⁾ (IHN) ⁽¹⁾, and
- all necessary measures ⁽¹⁴⁾ are taken to prevent the introduction of diseases.)

Or

- ⁽¹⁾ (a farm that is not connected with coastal or estuarial waters and does not contain any fish of the species considered as susceptible ⁽⁷⁾ to (VHS) ⁽¹⁾ (and) ⁽¹⁾ (IHN) ⁽¹⁾) and

⁽¹⁵⁾ (7.2. I, the undersigned official inspector, hereby certify that the (live fish) ⁽¹⁾ (and) ⁽¹⁾ (eggs) ⁽¹⁾ (and) ⁽¹⁾ (gametes) ⁽¹⁾, referred to at point 5 of this certificate, originate from a territory ⁽²⁾ that, in addition to the guarantees given in point 6 of this certificate, is approved by the competent authority as having an equivalent health status to zones within the Community, having additional guarantees with regard to SVC, for (live fish) ⁽¹⁾ (and) ⁽¹⁾ (eggs) ⁽¹⁾ as:

Either

- ⁽¹⁾ (the fish are susceptible ⁽⁷⁾ to SVC and originate from:

either (a territory ⁽¹⁾ in which SVC is a notifiable disease; and reports of suspected infection in cyprinids are immediately investigated by the competent authorities; and infected sites are designated as infected. The (live fish) ⁽¹⁾ (and) ⁽¹⁾ (eggs) do not originate from a site designated as infected by the competent authorities of the territory) ⁽¹⁾

or (a farm that has, for the last two years, been subject to an annual inspection — at the time of the year when SVC is expected to manifest itself — by the local competent authorities and appropriate laboratory tests for the isolation of SVC virus have been carried out with negative result; since at least two years only introduction of stock certified as free of SVC is allowed to the farm) ⁽¹⁾

or (a farm that has been infected, but for the last three years, has been subject to an annual inspection by the local competent authorities — at the time of the year when SVC is expected to manifest itself — and appropriate laboratory tests for the isolation of SVC virus have been carried out with negative result, and after which period susceptible species certified as being free of the disease are exposed to the population under control for proving the absence of the virus; since at least three years, only introduction of stock certified as free of SVC is allowed to the farm) ⁽¹⁾)

or (a farm that has been infected, but in which its population has been eliminated and its installation disinfected and only stock certified as free for SVC has thereafter been introduced to the farm. For the last two years, been subject to an annual inspection – at the time of the year when SVC is expected to manifest itself - by the local competent authorities and appropriate laboratory tests for the isolation of SVC virus have been carried out with negative results and after which period susceptible species certified as being free of the disease are exposed to the population under control for proving the absence of the virus) ⁽¹⁾).

Or:

(the fish originates from a designated farm, or a farm that is not connected with coastal or estuarial waters and does not contain any fish of the species considered as susceptible ⁽⁷⁾ to SVC) ⁽¹⁾).

(16) (7.3. 1, the undersigned official inspector, hereby certify that the (live fish) ⁽¹⁾ (and) ⁽¹⁾ (eggs) ⁽¹⁾ (and) ⁽¹⁾ (gametes) ⁽¹⁾ referred to at point 5 of this certificate, originate from a territory ⁽²⁾ that, in addition to the guarantees given in point 6 of this certificate, is approved by the competent authority as having an equivalent health status to those zones within the Community, having protective measures with regard to *Gyrodactylus salaris*, where the following restrictions apply:

- prohibition on imports of live salmonids into the zones,
- eggs moved into the zones have been disinfected according the OIE ⁽⁵⁾ International Aquatic Animal Health Code Sixth edition 2003, Appendix 5.2.1, ensuring the elimination of parasites belonging to the species *G. salaris*).

8. **Transport requirements**

Furthermore, they:

- are placed under conditions that do not alter their health status, and
- have been placed in (sealed watertight containers which were cleaned and disinfected beforehand using an authorised disinfectant and which bear on the exterior a legible label) ⁽¹⁾ (a well boat where the well and its pipe and pump systems were free of fish, cleaned and disinfected using an authorised disinfectant, and inspected before loading, carrying a manifest) ⁽¹⁾ with the relevant ⁽¹⁷⁾ information referred to in point 1, 2 and 3 of this certificate and with the following statement:

either:

‘(Live fish) ⁽¹⁾ (and) ⁽¹⁾ (Eggs) ⁽¹⁾ (and) ⁽¹⁾ (Gametes) ⁽¹⁾ certified for farming in European Community zones and farms except those with a Community approved programme or status, additional guarantees or protective measures with regard to: viral haemorrhagic septicaemia (VHS), and infectious haematopoietic necrosis (IHN), and spring viraemia of carp (SVC), and *Gyrodactylus salaris*.’

or:

‘(Live fish of aquaculture origin certified for restocking of put-and take fisheries in European Community zones and farms except those with a Community approved programme or status, additional guarantees or protective measures with regard to: viral haemorrhagic septicaemia (VHS), and infectious haematopoietic necrosis (IHN), and spring viraemia of carp (SVC), and *Gyrodactylus salaris*.’

or:

‘(Live fish) ⁽¹⁾ (and) ⁽¹⁾ (Eggs) ⁽¹⁾ (and) ⁽¹⁾ (Gametes) ⁽¹⁾ certified for farming in European Community zones and farms including those with a Community approved programme or status, additional guarantees or protective measures with regard to: (viral haemorrhagic septicaemia (VHS)) ⁽¹⁾ (and) ⁽¹⁾ (spring viraemia of carp (SVC)) ⁽¹⁾ (and) ⁽¹⁾ (spring viraemia of carp (SVC)) ⁽¹⁾ (and) ⁽¹⁾ (*Gyrodactylus salaris*) ⁽¹⁾’

or:

‘(Live fish of aquaculture origin certified for restocking of put-and take fisheries in European Community zones and farms including those with a Community approved programme or status, additional guarantees or protective measures with regard to: (viral haemorrhagic septicaemia (VHS)) ⁽¹⁾ (and) ⁽¹⁾ (infectious haematopoietic necrosis (IHN)) ⁽¹⁾ (and) ⁽¹⁾ (spring viraemia of carp (SVC)) ⁽¹⁾ (and) ⁽¹⁾ (*Gyrodactylus salaris*) ⁽¹⁾’.

Reference Code No

ORIGINAL

Done at , on
 (Place) (Date)



.....
 (Signature of official inspector)

.....
 (Name in capital letter, qualifications and title)

Indicative notes

- (1) Retain as appropriate.
- (2) Territory (a whole country, or a zone or a farm) and code of territory as appearing in Annex I to Commission Decision 2003/858/EC.
- (3) Specify as applicable: zone, farm, or in case of live fish for human consumption, establishment. If the zone is specified under point 3.2, then the name of the farm, or in case of live fish for human consumption, establishment, must be specified under point 3.3.
- (4) The registration number(s) of rail-wagon or lorry and the name of the ship should be given as appropriate. If known, the flight number of the aircraft shall be specified.
 In case of transport in containers or boxes, the total number, their registration and seal numbers, if present, shall be indicated under point 4.3.
- (5) International Office of Epizootics.
- (6) As applicable.
- (7) Known susceptible species, see table below:

Disease	Susceptible host species (*)
ISA	Atlantic salmon (<i>Salmo salar</i>), rainbow trout (<i>Oncorhynchus mykiss</i>), brown trout (<i>Salmo trutta</i>)
EHN	Redfin perch (<i>Perca fluviatilis</i>), rainbow trout (<i>Oncorhynchus mykiss</i>), Macquarie perch (<i>Macquaria australasica</i>), silver perch (<i>Bidyanus bidyanus</i>), mountain galaxias (<i>Galaxias olidus</i>), sheatfish (<i>Silurus glanis</i>), catfish (<i>Ictalurus melas</i>) and mosquito fish (<i>Gambusia affinis</i>) and other species belonging to the family Poeciliidae.
VHS	Fish belonging to the family Salmonidae, grayling (<i>Thymallus thymallus</i>), white fish (<i>Coregonus</i> spp.), pike (<i>Esox lucius</i>), turbot (<i>Scophthalmus maximus</i>), herring and sprat (<i>Clupea</i> spp.), Pacific salmon (<i>Oncorhynchus</i> spp.), Atlantic cod (<i>Gadus morhua</i>), Pacific cod (<i>G. macrocephalus</i>), haddock (<i>G. aeglefinus</i>) and rockling (<i>Onos mustelus</i>).
IHN	Fish belonging to the family Salmonidae, pike (<i>Esox lucius</i>)
SVC	Common carp (<i>Cyprinus carpio</i>), grass carp (<i>Ctenopharyngodon idellus</i>), silver carp (<i>Hypophthalmichthys molitrix</i>), bighead carp (<i>Aristichthys nobilis</i>), crucian carp (<i>Carassius carassius</i>), goldfish (<i>Carassius auratus</i>), tench (<i>Tinca tinca</i>) and sheatfish (<i>Silurus glanis</i>)

(*) And any other species referred to in the most recent edition of the OIE International Aquatic Animal Health Code as being susceptible for the pathogen/disease in question.

- (8) Only applicable for live fish, retain as appropriate.
- (9) Applicable to eggs only, retain as appropriate.
- (10) As laid down in Council Directive 91/67/EEC, specific animal health requirements are needed in the case of exports to farms or zones within the EC with a Community approved programme or status, additional guarantees or protective measures with regard to one or more of the diseases referred to in list II and III of Annex A to Directive 91/67/EEC.
- (11) Specific requirements needed in the case of exports to farms or zones within the EC with a Community approved programme or status for viral haemorrhagic septicaemia (VHS) and/or infectious haematopoietic necrosis (IHN) respectively.
- (12) 'Model A or B' as laid down in Decision 2001/183/EC, as well as the requirements in Directives 91/67/EEC and 93/53/EEC.
- (13) In accordance with Directives 91/67/EEC and 93/53/EEC, and Decision 2001/183/EC; new farms which commence activity with fish, eggs and gametes that have an equivalent health status according to the central competent authority of the exporting country to those farms and zones approved in the EC with regard to VHS and/or IHN respectively, and otherwise meets the requirements in Annex C I.A, 6(a) to Directive 91/67/EEC; or farms which recommence their activities after officially supervised cleaning and disinfection and 15 days of following, and which introduce only fish, eggs and gametes that has an equivalent health status according to the central competent authority of the exporting country to those farms and zones approved in the EC with regard to VHS and/or IHN respectively and otherwise meet the requirements in Annex C I.A, 6(b) to Directive 91/67/EEC.
- (14) Not applicable to coastal or continental zones with no farms. High bio-security level must be maintained. Fish from non-approved farms or zones must not be introduced into approved farms and zones. Ponds with susceptible species should be covered or be located at a safe distance from non-approved farms. Uncontrolled public access should be prevented. The site must not be used for angling purposes unless under conditions authorised and supervised by the local competent authority.

Reference Code No

ORIGINAL

- (¹⁵) Specific additional requirements needed in the case of exports to farms or zones within the EC with Community approved additional guarantees as regards spring viraemia of carp (SVC) (Commission Decision 93/44/EEC).
- (¹⁶) Specific additional requirements needed in the case of exports of eggs to regions/zones within the EC with Community approved protective measures with regard to *Gyrodactylus salaris* (GS) (Commission Decision 2003/513/EC). Note that it is not allowed to introduce live salmonids into the regions referred to in this Decision originating from outside these zones.
- (¹⁷) Country and territory of origin (code) and of destination; name and telephone number of the consignor and consignee. In case of a transport with well boat, the transport route from the place of loading to the place of destination should be given.

ANNEX III

EXPLANATORY NOTES

(a) The certificates shall be produced by the competent authorities of the exporting country, based on the appropriate model appearing in Annex II, IV, or V to this Decision taking into account the use to which the fish are to be put after the arrival to the EC. (b) Considering the status of the place of destination as regards viral haemorrhagic septicaemia (VHS), infectious haematopoietic necrosis (IHN), spring viraemia of carp (SVC) and <i>Gyrodactylus salaris</i> (GS) in the EC Member State, the appropriate specific additional requirements shall be incorporated and completed in the certificate. (c) The original of each certificate shall consist of a single page, double-sided, or, where more than one page is required, it shall be in such a form that all pages form part of an integrated whole and are indivisible. It shall, on the right hand side of the top of each page, be marked as 'ORIGINAL' and bear a specific code number issued by the competent authority. All pages of the certificate shall be numbered – (page number) of (total number of pages). (d) The original of the certificate and the labels referred to in the model certificate shall be drawn up in at least one official language of the EC Member State in which the inspection at the border post shall be carried out and of the EC Member State of destination. However, these Member States may allow other languages, if necessary, accompanied by an official translation.	(e) The original of the certificate must be completed on the day of loading the consignment for exportation to the EC with an official stamp and signed by an official inspector designated by the competent authority. In doing so, the competent authority of the exporting country shall ensure that the principles of certification equivalent to those laid down in Council Directive 96/93/EC are followed. The stamp, unless embossed, and the signature shall be in a colour different to that of the printing. (f) If for reasons of identification of the items of the consignment, additional pages are attached to the certificate, these pages shall be considered as forming part of the original and be signed and stamped by the certifying official inspector on each page. (g) The original of the certificate must accompany the consignment until it reaches the EC border inspection post. (h) The certificate shall be valid for 10 days from the date of issue. In the case of transport by ship, the time of validity is prolonged by the time of journey at sea. (i) The fish, their eggs and gametes, shall not be transported together with other fish, eggs or gametes that, either are not destined to EC, or are of a lower health status. Furthermore, they must not be transported under any other conditions that alters their health status. (j) The possible presence of pathogens in the water is relevant for considering the health status of live fish, eggs and gametes. The certifying officer should therefore consider the following: The 'place of origin' should be the localisation of the farm where the fish, eggs or gametes was reared reaching their commercial size relevant for the consignment covered by this certificate.
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ANNEX IV

Model animal health certificate for the importation of fish products of aquaculture origin into the European Community (EC) for further processing before human consumption

Reference Code No

ORIGINAL

Note for the importer:

The present consignment must be shipped immediately, without breaking, to be retailed for further processing before human consumption.

Processing of fish products of aquaculture origin must take place in approved import centres unless eviscerated before dispatch, or the place of origin has a health status at least equivalent to the place where they are to be processed, in particular as regards the diseases epizootic haematopoietic necrosis (EHN) as well as the diseases referred to in lists I and II, column 1, of Annex A to Directive 91/67/EEC.

This certificate is only for veterinary purposes and has — in its original — to accompany the consignment until it reaches the border inspection post.

1. Animal health attestation for importation into the European Community of fish products of aquaculture origin for further processing before human consumption

I, the undersigned official inspector, hereby certify that the fish products of aquaculture origin referred to in this certificate:

- originate from fish which showed no clinical signs of disease at the time of (collection) ⁽¹⁾ (slaughter) ⁽¹⁾ (loading) ⁽¹⁾ and
- ⁽¹⁾ (are not subject to any prohibitions for animal health reasons, in particular due to clinical signs of disease or suspicion, or confirmation of the presence of the following diseases: (infectious salmon anaemia (ISA);) ⁽¹⁾ (epizootic haematopoietic necrosis (EHN);) ⁽¹⁾ (viral haemorrhagic septicaemia (VHS) ⁽¹⁾ (and) ⁽¹⁾ (infectious haematopoietic necrosis (IHN) ⁽¹⁾ and)
- ⁽¹⁾ ⁽²⁾ (– originate from fish harvested from a farm or a zone which is approved by the central competent authority as having an equivalent health status to those farms and zones with Community approved programmes or status as regards (VHS) ⁽¹⁾ (and) ⁽¹⁾ (IHN) ⁽¹⁾ and);
- ⁽¹⁾ (– originate from a designated farm, or a farm that is not connected with coastal or estuarial waters and does not contain any fish of the species considered as susceptible ⁽³⁾ to ISA, EHN, (and) ⁽¹⁾ (VHS) ⁽¹⁾ (and) ⁽¹⁾ (IHN) ⁽¹⁾, and that is not subject to any prohibitions for animal health reasons, and)
- ⁽¹⁾ ⁽²⁾ (– have been slaughtered and eviscerated, and)
- are transported under conditions that do not alter their health status, and
- have been placed in sealed watertight containers which were cleaned and disinfected beforehand using an authorised disinfectant and which bear on the exterior a legible label with the relevant information ⁽⁴⁾ of this certificate and with the following statement:

'(Uneviscerated fish) ⁽¹⁾ (and) ⁽¹⁾ (eviscerated fish) ⁽¹⁾ (and) ⁽¹⁾ (fish products) ⁽¹⁾ of aquaculture origin certified for export to the European Community (including to Community approved zones as regards (VHS) ⁽¹⁾ (and) ⁽¹⁾ (IHN) ⁽¹⁾) ⁽¹⁾, for immediate human consumption, or for further processing (in approved import centres for) ⁽¹⁾ before human consumption, and not to be introduced into natural waters of the European Community) ⁽¹⁾;

General statement

I, the undersigned official inspector, hereby certify that I am aware of the provisions of Council Directives 91/67/EEC and 93/53/EEC and Commission Decision 2003/858/EC ⁽¹⁾.

Done at , on
(Place) (Date)



.....
(Signature of official inspector)

.....
(Name in capital letter, qualifications and title)

Indicative notes

- (¹) Retain as appropriate.
- (²) Specific requirements needed in the case of exports to farms or zones within the EC with a Community approved programme or status for viral haemorrhagic septicaemia (VHS) and/or infectious haematopoietic necrosis (IHN) respectively.
- (³) Known susceptible species, see table below.

Disease	Susceptible host species (*)
ISA	Atlantic salmon (<i>Salmo salar</i>), rainbow trout (<i>Oncorhynchus mykiss</i>), brown trout (<i>Salmo trutta</i>)
EHN	Redfin perch (<i>Perca fluviatilis</i>), rainbow trout (<i>Oncorhynchus mykiss</i>), Macquarie perch (<i>Macquaria australasica</i>), silver perch (<i>Bidyanus bidyanus</i>), mountain galaxias (<i>Galaxias olidus</i>), sheatfish (<i>Silurus glanis</i>), catfish (<i>Ictalurus melas</i>) and mosquito fish (<i>Gambusia affinis</i>) and other species belonging to the family Poeciliidae
VHS	Fish belonging to the family Salmonidae, grayling (<i>Thymallus thymallus</i>), white fish (<i>Coregonus</i> spp.), pike (<i>Esox lucius</i>), turbot (<i>Scophthalmus maximus</i>), herring and sprat (<i>Clupea</i> spp.), Pacific salmon (<i>Oncorhynchus</i> spp.), Atlantic cod (<i>Gadus morhua</i>), Pacific cod (<i>G. macrocephalus</i>), haddock (<i>G. aeglefinus</i>) and rockling (<i>Onos mustelus</i>)
IHN	Fish belonging to the family Salmonidae, pike (<i>Esox lucius</i>)
SVC	Common carp (<i>Cyprinus carpio</i>), grass carp (<i>Ctenopharyngodon idellus</i>), silver carp (<i>Hypophthalmichthys molitrix</i>), bighead carp (<i>Aristichthys nobilis</i>), crucian carp (<i>Carassius carassius</i>), goldfish (<i>Carassius auratus</i>), tench (<i>Tinca tinca</i>) and sheatfish (<i>Silurus glanis</i>)

(*) And any other species referred to in the most recent edition of the OIE International Aquatic Animal Health Code as being susceptible for the pathogen/disease in question.

- (⁴) Country and territory of origin (code) and of destination; name and telephone number of the consignor and consignee.

ANNEX V

**Animal health certificate for the importation of fish products of aquaculture origin into the European Community (EC)
for immediate human consumption**

Reference Code No

ORIGINAL

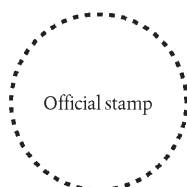
*Note for the importer:**The present consignment must be shipped immediately, without breaking, to be retailed for immediate human consumption.**This certificate is only for veterinary purposes and has — in its original — to accompany the consignment until it reaches the border inspection post.***1. Animal health attestation for importation into the European Community of fish products of aquaculture origin for immediate human consumption**

I, the undersigned official inspector, hereby certify that the fish products of aquaculture origin referred to in this certificate:

- originate from fish which showed no clinical signs of disease at the time of (collection) ⁽¹⁾ (slaughter) ⁽¹⁾ (loading) ⁽¹⁾,
- have been placed in containers which bear on the exterior a legible label with the relevant information ⁽²⁾ of this certificate and with the following statement:

*'Fish products of aquaculture origin certified for export to the European Community for immediate human consumption, and not to be introduced into natural waters of the European Community'***General statement**

I, the undersigned official inspector, hereby certify that I am aware of the provisions of Council Directives 91/67/EEC and 93/53/EEC and Commission Decision 2003/858/EC.

Done at on
(Place) (Date).....
(Signature of official inspector).....
(Name in capital letter, qualifications and title)**Indicative notes**⁽¹⁾ Retain as appropriate.⁽²⁾ Country and territory of origin (code) and of destination; name and telephone number of the consignor and consignee.

ANNEX VI

Statements to be issued by the competent authority at the border inspection post to complete the document referred to in the Annex to Decision 92/527/EEC or in the Annex B of Decision 93/13/EEC

The competent authority at the border inspection post in the Member State of arrival shall complete the document referred to in the Annex of Decision 92/527/EEC or of Annex B of Decision 93/13/EEC with one of the following statements as appropriate:

A. Statements to be added to the document referred to in the Annex of Decision 92/527/EEC as regards live fish, their eggs and gametes intended for farming, and live fish of aquaculture origin for restocking of put-and take fisheries, in the European Community

either:

'(Live fish) ⁽¹⁾ (and) ⁽¹⁾ (Eggs) ⁽¹⁾ (and) ⁽¹⁾ (Gametes) ⁽¹⁾ certified for farming in European Community zones and farms except those with a Community approved programme or status, additional guarantees or protective measures with regard to: viral haemorrhagic septicaemia (VHS), and infectious haematopoietic necrosis (IHN), and spring viraemia of carp (SVC), and *Gyrodactylus salaris*.'

or:

'Live fish of aquaculture origin certified for restocking of put-and take fisheries in European Community zones and farms except those with a Community approved programme or status, additional guarantees or protective measures with regard to: viral haemorrhagic septicaemia (VHS), and infectious haematopoietic necrosis (IHN), and spring viraemia of carp (SVC), and *Gyrodactylus salaris*.'

or:

'(Live fish) ⁽¹⁾ (and) ⁽¹⁾ (Eggs) ⁽¹⁾ (and) ⁽¹⁾ (Gametes) ⁽¹⁾ certified for farming in European Community zones and farms including those with a Community approved programme or status, additional guarantees or protective measures with regard to: (viral haemorrhagic septicaemia (VHS)) ⁽¹⁾ (and) ⁽¹⁾ (infectious haematopoietic necrosis (IHN)) ⁽¹⁾ (and) ⁽¹⁾ (spring viraemia of carp (SVC)) ⁽¹⁾ (and) ⁽¹⁾ (*Gyrodactylus salaris*) ⁽¹⁾.'

or:

'Live fish of aquaculture origin certified for restocking of put-and take fisheries in European Community zones and farms including those with a Community approved programme or status, additional guarantees or protective measures with regard to: (viral haemorrhagic septicaemia (VHS)) ⁽¹⁾ (and) ⁽¹⁾ (infectious haematopoietic necrosis (IHN)) ⁽¹⁾ (and) ⁽¹⁾ (spring viraemia of carp (SVC)) ⁽¹⁾ (and) ⁽¹⁾ (*Gyrodactylus salaris*) ⁽¹⁾.'

B. Statements to be added to the document referred to in the Annex B of Decision 93/13/EEC as regards fish products of aquaculture origin intended for human consumption

either:

'Uneviscerated fish products of aquaculture origin certified for export to the European Community (except to zones with Community approved status as regards (VHS) ⁽¹⁾ (and) ⁽¹⁾ (IHN) ⁽¹⁾) ⁽¹⁾, for further processing (in approved import centres) ⁽¹⁾ before human consumption.'

or

'Eviscerated fish products of aquaculture origin certified for export to the European Community, for further processing before human consumption.'

or

'Fish products of aquaculture origin certified for export to the European Community for immediate human consumption.'

⁽¹⁾ Retain as appropriate.

ANNEX VII

Minimum animal health conditions for the approval of 'approved import centres' for processing of fish of aquaculture origin**A. General provisions**

1. Member States shall only approve establishments as import centres for further processing of imported live fish of aquaculture origin and products thereof provided that the conditions at the import centre are such that risks of contamination of fish in Community waters, with pathogens capable of causing significant impact to fish stock, via discharges or other waste, or by other means, are avoided.
2. Establishments approved as 'approved import centre', must not be allowed to move live fish out of the establishment.
3. In addition to the appropriate public health provisions laid down under Directive 91/493/EEC for any establishments, as well as health rules laid down by Community legislation concerning animal by-products not intended for human consumption, the minimum animal health conditions as laid down below, shall apply.

B. Management provisions

1. Approved import centres must be open to inspection and control by the competent authority at all times.
2. Approved import centres must have an efficient disease control, and monitoring system; in application of Council Directive 93/53/EEC, cases of suspected disease and mortality shall be investigated by the competent authority; the necessary analysis and treatment must be carried out in consultation with and under the control of the competent authority, taking into consideration the requirement in Article 3(1)(a) of Directive 91/67/EEC.
3. Approved import centres must apply a management system, approved by the competent authority, including hygiene and disposal routines for transports, transport containers, facilities, and equipment. The guidelines laid down for disinfection of fish farms in the OIE International Aquatic Animal Health Code, Sixth Edition, 2003, Appendix 5.2.2, should be followed. The disinfectants used must be approved for the purpose by the competent authority and appropriate equipment must be available for cleaning and disinfection. Discharges of by-products and other waste materials including dead fish and their products must be carried out in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council⁽¹⁾. The management system at the approved import centre shall be such that risks of contamination of fish in Community waters with pathogens capable of causing significant impact to fish stock, in particular as regards pathogens exotic to the Community and the fish pathogens referred to in list I and II, column 1, of Annex A to Directive 91/67/EEC, are avoided.
4. Approved import centres must keep an updated record of: observed mortality; and of all the live fish, eggs and gametes entering the centre and products leaving the centre including their source, their suppliers and their destination. The record should be open to scrutiny by the competent authority at all times.
5. Approved import centres must be cleaned and disinfected regularly in accordance with the programme described in point 3 above.
6. Only authorised persons may enter approved import centres and must wear protective clothing including appropriate footwear.

⁽¹⁾ OJ L 273, 10.10.2002, p. 1.

COMMISSION DECISION

of 5 December 2003

amending Decision 2002/106/EC as regards the establishment of a classical swine fever discriminatory test*(notified under document number C(2003) 4522)***(Text with EEA relevance)**

(2003/859/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽¹⁾, and in particular Article 17(5) thereof,

Whereas:

- (1) Rules on the use of classical swine fever vaccines and related discriminatory tests are laid down in Directive 2001/89/EC and in Commission Decision 2002/106/EC of 1 February 2002 approving a Diagnostic Manual establishing diagnostic procedures, sampling methods and criteria for evaluation of the laboratory tests for the confirmation of classical swine fever ⁽²⁾.
- (2) The use of marker vaccines has been hampered by the lack of a reliable discriminatory test able to distinguish between vaccinated pigs and pigs naturally infected with classical swine fever virus. For that reason no classical swine fever discriminatory test was established by Decision 2002/106/EC.
- (3) In 2003 the Community reference laboratory for classical swine fever in cooperation with the national classical swine fever laboratories evaluated a newly developed discriminatory test in the context of Commission Decision 2003/265/EC of 10 April 2003 on financial assistance to the Community reference laboratory for classical swine fever for the evaluation of a new classical swine fever discriminatory test ⁽³⁾.
- (4) The results of that evaluation show that the sensitivity and specificity of the new discriminatory test are sufficient to allow its use in the context of an emergency vaccination with a marker vaccine.

- (5) The new discriminatory test to distinguish vaccinated pigs from pigs naturally infected with classical swine fever virus should therefore be established in accordance with Directive 2001/89/EC by laying down guidelines on its use. Those rules should ensure that the use of marker vaccines in conjunction with this test does not pose unacceptable risks in relation to the movements or trade of the vaccinated pigs, their offspring or their products.
- (6) Commission Decision 2002/106/EC should therefore be amended accordingly.
- (7) 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

Chapter VIII of the Annex to Decision 2002/106/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 December 2003.

For the Commission

David BYRNE

Member of the Commission⁽¹⁾ OJ L 316, 1.12.2001, p. 5.⁽²⁾ OJ L 39, 9.2.2002, p. 71.⁽³⁾ OJ L 97, 15.4.2003, p. 81.

ANNEX

Chapter VIII of the Annex to Decision 2002/106/EC is replaced by the following:

‘CHAPTER VIII

*Discriminatory test in case of emergency vaccination***A. Basic principles**

1. A discriminatory serological ELISA test (discriminatory test) is available to successfully distinguish pigs which have been vaccinated with marker vaccines, that induce antibodies only against the E2 glycoprotein of classical swine fever virus, from pigs which have been infected with the wild type of classical swine fever virus. This test is designed to detect antibodies against the glycoprotein E^{ms} of classical swine fever virus. It is based on the principle that non-infected animals vaccinated with marker vaccines only produce antibodies against the glycoprotein E2 of classical swine fever virus, whilst animals infected with field virus react and produce antibodies against other virus antigens, too.

This discriminatory test is sensitive and specific ⁽¹⁾. However, also pigs which have become infected with *Pestiviruses* other than classical swine fever virus, such as BVD virus and BD virus, will also react E^{ms}-positive. Furthermore, the sensitivity of the test is not ideal, as some marker-vaccinated and then infected animals may not react E^{ms}-positive.

The data currently available suggest that the discriminatory test cannot be reliably used to test serum samples from feral pigs.

2. The discriminatory test is a liquid phase blocking enzyme-linked immunoassay. The samples to be tested are incubated onto microtitre plates precoated with monoclonal anti-E^{ms} antibodies together with a defined amount of E^{ms} antigen. Any antibody specific for E^{ms} binds to the defined amount of E^{ms} antigen in the solution and an antigen/antibody complex is formed, which does not react with the anti-E^{ms} antibodies on the microtitre plate. After washing of the plates to remove unbound material a peroxidase labelled anti-E^{ms} conjugate is added which binds to the E^{ms} antigen complexed with the antibody coated on the surface of the microtitre plate. Unbound conjugate is removed by washing and chromogen-containing substrate is added. The degree of colour, which develops, is reversely proportional to the amount of antibody specific for E^{ms} present in the sample. If the sample does not contain antibodies (negative sample) much of the defined amount of E^{ms} antigen that was added can bind to the anti-E^{ms} antibodies on the plate surface and a strong colour reaction is observed.

A result is obtained by comparing the optical density (OD) in wells containing test samples with those of wells containing the negative and positive controls.

B. Guidelines for the use of the discriminatory test in the context of an emergency vaccination with a marker vaccine in pig holdings in the framework of Article 19 of Directive 2001/89/EC

The discriminatory test is designed to verify the presence or absence of classical swine fever virus circulation on a pig population vaccinated with a marker vaccine. The available data suggest that it can be successfully used for that purpose on herd bases, but it cannot reliably exclude that individual pigs are infected with classical swine fever virus. In particular, the specificity of the discriminatory test might not be sufficient to reliably discriminate marker vaccinated pigs from infected pigs in case of vaccination of adult pigs. In case of doubtful results, however, the pigs in question must be slaughtered or killed in a humane way in accordance with Directive 93/119/EC and their organs tested for classical swine fever virus. Virus isolation and the PCR are the most suitable tests for that purpose.

These aspects have to be taken into full account when designing an emergency marker-vaccination strategy and then interpreting the results of a classical swine fever virus survey onto the marker-vaccinated population.

The procedure for sampling and testing the vaccinated pig population before lifting the restrictions to be applied in the vaccinated area in accordance with Article 19 of Directive 2001/89/EC, should depend on the age of the vaccinated pigs, the category of pigs (fattening/slaughter, breeding) and the desired level of safety as regards the absence of virus circulation in the population.

Details on the procedure for sampling and testing shall therefore be laid down in the emergency vaccination plan to be submitted to the Commission pursuant to Article 19(3) of Directive 2001/89/EC.’

⁽¹⁾ In accordance with the results of a study carried out by the Community reference laboratory for classical swine fever and the national classical swine fever laboratories, the sensitivity of the discriminatory test is about 94 % and the specificity is about 98 %.

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK of 28 November 2003 on the approval of the volume of coin issuance in 2004

(ECB/2003/15)

(2003/860/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community, and in particular to Article 106(2) thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right from 1 January 1999 to approve the volume of coins issued by the Member States that have adopted the euro (the participating Member States).
- (2) The participating Member States have submitted to the ECB for approval their estimates of the volume of euro coins to be issued in 2004, supplemented by explanatory notes on the forecasting methodology,

HAS ADOPTED THIS DECISION:

Article 1

Approval of the volume of euro coins to be issued in 2004

The ECB hereby approves the volume of coins to be issued by the participating Member States in 2004 as described in the following table:

(EUR million)

	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2004
Belgium	203,0
Germany	1 035,0
Greece	207,4
Spain	860,0
France	668,9
Ireland	151,0
Italy	170,8
Luxembourg	70,0
Netherlands	175,0
Austria	212,0
Portugal	230,0
Finland	60,0

*Article 2***Final provision**

This Decision is addressed to the participating Member States.

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

Done at Frankfurt am Main, 28 November 2003.

The President of the ECB

Jean-Claude TRICHET
