

Official Journal

of the European Communities

ISSN 0378-6978

L 13

Volume 43

19 January 2000

English edition

Legislation

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I

(Acts whose publication is obligatory)

DECISION No 105/2000/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 17 December 1999
amending Decision No 210/97/EC adopting an action programme for customs in the Community
(Customs 2000) and repealing Council Decision 91/341/EEC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas:

- (1) Decision No 210/97/EC of the European Parliament and of the Council of 19 December 1996 adopting an action programme for customs in the Community (Customs 2000) ⁽⁴⁾ established a common framework of objectives as the basis of Community action on customs matters to improve the efficiency and standardisation of customs operations within the internal market;
- (2) The operation of information exchange systems at Community level has demonstrated the usefulness of computerised systems in ensuring the correct application of customs procedures throughout the customs territory of the Community and protecting the Community's own resources while minimising the administrative burden; these systems have proved to be essential instruments of cooperation between the customs authorities of the European Union;
- (3) Communication and information exchange systems should be created and it should be ensured that future needs of customs systems are met in the interests of continued cooperation;

- (4) Around 18 million transit operations are carried out in the European Union per year and the development of the new computerised Transit system represents 23 % of the total budget of Customs 2000; however, the Report on the implementation of the Programme states that there have been considerable delays in the computerisation of the Transit system;
- (5) A high level of training, of equivalent quality throughout the Community, is needed to guarantee the success of this programme; in order to increase the consistency of Community work and make customs operations in the Community more uniform and efficient, vocational training for Member State customs officials along the lines of that instituted under the Matthaeus programme set up by Council Decision 91/341/EEC of 20 June 1991 ⁽⁵⁾ should be developed within the Customs 2000 programme;
- (6) To coordinate Community action to assist national authorities to improve their customs operations in the context of the internal market, it is essential to have a unified approach to the conduct of these operations;
- (7) The best way of guaranteeing this unified approach is to integrate all measures concerning working methods, computerisation and the training of customs officials within a single legal instrument, and finance them by means of a single budget heading;
- (8) Such an integrated approach will guarantee not only the necessary budgetary transparency for the European Parliament, the Council and the Commission but also the transparency of European customs policy as a whole;
- (9) The fight against fraud and the correct functioning of the sector are the priorities in the implementation of the programme;

⁽¹⁾ OJ C 396, 19.12.1998, p. 13 and OJ C 247, 31.8.1999, p. 28.

⁽²⁾ OJ C 138, 18.5.1999, p. 1.

⁽³⁾ Opinion of the European Parliament of 15 April 1999 (OJ C 219, 30.7.1999, p. 409), Council Common Position of 13 September 1999 (OJ C 317, 4.11.1999, p. 12) and Decision of the European Parliament of 2 December 1999 (not yet published in the Official Journal) and Council Decision of 16 December 1999.

⁽⁴⁾ OJ L 33, 4.2.1997, p. 24.

⁽⁵⁾ OJ L 187, 13.7.1991, p. 41.

- (10) The programme should be opened to participation by the applicant countries of Central and Eastern Europe, Cyprus and Malta;
- (11) The European Union has proposed allowing Turkey to participate on a case-by-case basis in certain Community programmes, under the same conditions as the associated countries of Central and Eastern Europe;
- (12) Since receipts from the abovementioned third countries are resources pre-allocated to the programme in question, they should be entered as such on the corresponding expenditure item;
- (13) This Decision establishes, for the entire duration of the programme, a financial framework which constitutes the prime reference, within the meaning of point 33 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure ⁽¹⁾;
- (14) To enable the amendments brought into effect by this Decision to have their full impact, the Customs 2000 programme's implementation period should be extended to 31 December 2002;
- (15) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾;
- (16) Given the importance which should be attributed to budgetary transparency,

HAVE ADOPTED THIS DECISION:

Article 1

Decision No 210/97/EC is hereby amended as follows:

1. Article 1 shall be amended as follows:

(a) paragraph 2 shall be replaced by the following:

'2. The action programme shall be known as the Customs 2002 Programme and shall be implemented for the period 1 January 1996 to 31 December 2002.'

(b) The following paragraph shall be inserted:

'2a. A common approach regarding the customs policy shall be drawn up in partnership between the Commission and the Member States in a Customs Policy Group, composed of Heads of Customs Administrations from the Commission and the Member States or their representatives. The Commission shall keep the Customs Policy Group regularly informed of measures relating to the implementation of the programme.'

2. Article 3 shall be deleted;

3. Article 8 shall be amended as follows:

(a) in the second indent of point 2 of the second subparagraph of paragraph 2, the words 'by 1998' shall be deleted;

(b) the following paragraphs shall be added:

'3. The computerisation of the Transit system, referred to in the second indent of point 2 of the second subparagraph of paragraph 2, must be fully operational by 30 June 2003. The Commission shall inform the European Parliament and the Council immediately of any delays in the introduction of the New Computerised Transit System (NCTS).

4. Elements to support the fight against fraud shall be integrated in all actions taken in the framework of this programme, unless they hamper the successful completion of the actions themselves.'

4. in Article 11, the words, 'within the framework of Article 3' shall be replaced by, 'within the framework of the procedure provided for in Article 16b';

5. The following paragraph shall be added to Article 12:

'5. Without prejudice to amendments to the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽¹⁾, and Council Decision 94/728/EC, Euratom of 31 October 1994 on the system of own resources of the European Communities ⁽²⁾, the Commission shall seek to establish, in partnership with the Member States, performance criteria to support the monitoring of the Member States' performance in administering the collection of customs duties.

⁽¹⁾ OJ L 356, 31.12.1977, p. 1. Regulation as last amended by Regulation (EC, ECSC, Euratom) No 2729/98 (OJ L 347, 23.12.1998, p. 3).

⁽²⁾ OJ L 293, 12.11.1994, p. 9.'

6. the following Article shall be inserted:

'Article 13a

Information exchange and communication systems, manuals and guides

1. The Commission and the Member States shall be responsible for the operability of such existing information exchange and communication systems, manuals and guides as they consider necessary. They shall establish such new information exchange and communication systems, manuals and guides as they consider necessary and shall keep them operational.

2. The Community components of the information exchange and communication systems shall be the Community databases forming part of these systems, the hardware, the software and the network connections which have to be common to all Member States in order to ensure the interconnection and interoperability of the systems, whether they are installed in the premises of the Commission (or designated subcontractor) or of the Member States (or designated subcontractor).

⁽¹⁾ OJ C 172, 18.6.1999, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

3. The non-Community components of the information exchange and communication systems shall be the national databases forming part of these systems, the network connections between the Community and non-Community components and the software and hardware which each Member State considers necessary to ensure optimal use of the systems throughout the administration';

7. Article 14 shall be amended as follows:

(a) the words 'Decision 91/341/EEC and' shall be deleted from paragraph 1;

(b) paragraph 5 shall be deleted.

8. The following Article shall be inserted:

'Article 14a

Exchanges of officials and seminars

1. The Commission and the Member States shall organise exchanges of officials. Each exchange shall focus on a specific aspect of customs work and shall be thoroughly prepared and subsequently evaluated by the officials and authorities concerned.

Member States shall take the necessary steps to enable exchange officials to be operational in the host service. To this end, exchange officials shall be authorised to carry out the formalities relating to the duties entrusted to them. If circumstances so require, and in particular in order to take account of the specific requirements of the legal system of each Member State, the competent authorities in the Member States may limit the said authorisation.

For the duration of the exchange, the official shall, in the exercise of his duties, bear the same civil liability as national officials of the host authorities. Officials taking part in an exchange shall be subject to the same rules on professional confidentiality as the national officials of the host country.

2. The Commission and the Member States shall organise seminars to be attended by Member State and Commission officials and, where appropriate, representatives of the business and academic world.';

9. the following Articles shall be inserted:

'Article 16a

Applicant countries' participation

The applicant countries of Central and Eastern Europe may take part in the programme in accordance with the provisions of the Europe Agreements concerning the terms of such participation, as may Cyprus and Malta, insofar as Community customs law permits. In the framework of the customs union, the programme shall also be open to Turkey insofar as Community customs law permits.

The annual breakdown of appropriations dedicated to the co-financing of the programme shall be published in Annex IV, Part B, Section III of the budget of the European Union.

Article 16b

Implementation

The measures necessary for the implementation of this programme relating to the matters referred to below shall be adopted in accordance with the management procedure referred to in Article 16c(2).

Article 16c

Committee

1. The Commission shall be assisted by a committee.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

3. The Committee shall adopt its rules of procedure.';

10. Article 17 shall be amended as follows:

(a) paragraphs 2 and 3 shall be replaced by the following:

'2. Member States shall forward to the Commission:

- by 31 December 2000 at the latest, an interim report, and
- by 31 December 2002 at the latest, a final report

on the implementation of this programme.

3. The Commission shall submit to the European Parliament and to the Council:

- by 30 June 2001 at the latest, an interim report on the implementation of this programme,
- by 30 June 2001 at the latest, a communication on the desirability of continuing this programme, accompanied, if necessary, by an appropriate proposal,
- by 30 June 2003 at the latest, a final report on the implementation of this programme.

These reports shall also be forwarded to the Economic and Social Committee for information.'

(b) the following paragraph shall be added:

'4. The communication and final report referred to in paragraph 3 shall analyse all the progress achieved in the case of each measure in the programme. They shall be accompanied by a report analysing the strengths and weaknesses of any kind of customs computerisation systems involved in the implementation of the internal market.

These accompanying reports shall set out any useful proposals for ensuring that identical treatment is reserved for operators throughout the Community customs territory and that the gathering of information serves the proper protection of the Community's financial interests.'

11. paragraph 1 of Article 18 shall be replaced by the following:

'1. Without prejudice to operations financed under other Community programmes, the financial framework for the implementation of this programme for the period 1 January 1996 to 31 December 2002 is hereby set at EUR 135 million in accordance with the arrangements set out in the Annex.

The annual appropriations shall be authorised within the limit of the financial perspective.'

12. The Annex shall be replaced by the text in the Annex to this Decision.

Article 2

Decision 91/341/EEC shall be repealed with effect from the date of entry into force of this Decision.

Article 3

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

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 17 December 1999.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

K. HEMILÄ

ANNEX

'ANNEX

Breakdown of the financial framework referred to in Article 18(1)

(in ECU/EUR million)

	1996	1997	1998	1999	2000	2001	2002	Total
<i>Internal policies</i>								
Redeployment of internal market appropriations	—	3,8	2,6	2,9	3,2	3,2	3,2	18,9
Training				2,6	2,6	2,6	2,6	10,4
Computerisation	1,0	2,7	15,0	15,0	16,5	16,8	16,9	83,9
Improvement of means of combating fraud	—	1,8	1,5	1,5	1,5	1,5	1,5	9,3
<i>External actions</i>	1,9	2,7	1,9	1,5	1,5	1,5	1,5	12,5
Total	2,9	11,0	21,0	23,5	25,3	25,6	25,7	135,0'

COMMISSION REGULATION (EC) No 106/2000
of 18 January 2000
repealing Regulation (EC) No 2341/1999 of 3 November 1999 prohibiting fishing for sprat by
vessels flying the flag of Denmark

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2341/1999 ⁽³⁾ prohibits fishing for sprat in the waters of ICES divisions IIa (EC zone), IV (EC zone) by vessels flying the flag of Denmark or registered in Denmark.
- (2) On 7 December 1999, the Council amended for the second time Council Regulation (EC) No 48/1999 ⁽⁴⁾ fixing, for certain fish stocks, the total allowable catches for 1999 and certain conditions under which they may be fished.

- (3) The quota for sprat in ICES divisions IIa (EC zone), IV (EC zone) available to Denmark has been raised to 187 380 tonnes.

- (4) Fishing for sprat in the waters of ICES divisions IIa (EC zone), IV (EC zone) by vessels flying the flag of Denmark or registered in Denmark should therefore be authorised. Regulation (EC) No 2341/1999 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2431/1999 is hereby repealed.

Article 2

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

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

Done at Brussels, 18 January 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 281, 4.11.1999, p. 29.

⁽⁴⁾ OJ L 13, 18.1.1999, p. 1.

COMMISSION REGULATION (EC) No 107/2000
of 18 January 2000
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 1498/98 ⁽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 19 January 2000.

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

Done at Brussels, 18 January 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 18 January 2000 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	94,2
	204	55,4
	999	74,8
0707 00 05	052	140,7
	628	152,7
	999	146,7
0709 90 70	052	125,5
	204	110,8
	999	118,2
0805 10 10, 0805 10 30, 0805 10 50	052	57,1
	204	40,5
	212	42,9
	220	24,3
	624	59,2
	999	44,8
0805 20 10	052	74,1
	204	59,8
	999	66,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,7
	204	54,4
	464	100,4
	624	53,6
	999	69,3
	052	66,2
0805 30 10	600	63,5
	999	64,8
0808 10 20, 0808 10 50, 0808 10 90	400	85,9
	404	84,2
	720	71,3
	728	60,0
	999	75,3
	064	65,3
0808 20 50	400	87,7
	720	111,3
	999	88,1

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 108/2000
of 18 January 2000
fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending
Regulation (EC) No 1484/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁵⁾, as last amended by Commission Regulation (EC) No 2916/95, and in particular Article 3(4) thereof,

(1) Whereas Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 2584/1999 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin;

(2) Whereas it results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin; whereas, therefore, representative prices should be published;

(3) Whereas it is necessary to apply this amendment as soon as possible, given the situation on the market;

(4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 19 January 2000.

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

Done at Brussels, 18 January 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 305, 19.12.1995, p. 49.

⁽⁵⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁶⁾ OJ L 145, 29.6.1995, p. 47.

⁽⁷⁾ OJ L 314, 8.12.1999, p. 26.

ANNEX

'ANNEX I

CN code	Description	Representative price EUR/100 kg	Security referred to in Article 3(3) EUR/100 kg	Origin (¹)
0207 14 10	Boneless cuts of fowls of the species <i>gallus domesticus</i> , frozen	187,4	36	01
		185,5	37	02
		264,4	11	03
		264,4	11	04
1602 32 11	Preparations uncooked of fowls of the species <i>gallus domesticus</i>	205,1	24	01
		202,4	25	02

(¹) Origin of imports:

01 Brazil

02 Thailand

03 Chile

04 Argentina.'

COMMISSION REGULATION (EC) No 109/2000
of 18 January 2000
altering the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1253/1999⁽²⁾, and in particular the fourth subparagraph of Article 13 (2) thereof,

- (1) Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 71/2000⁽³⁾;
- (2) Whereas it follows from applying the detailed rules contained in Regulation (EC) No 71/2000 to the information known to the Commission that the export

refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, exported in the natural state, as fixed in the Annex to Regulation (EC) No 71/2000 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 19 January 2000.

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

Done at Brussels, 18 January 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 10, 14.1.2000, p. 6.

ANNEX

**to the Commission Regulation of 18 January 2000 altering the export refunds on cereals and on wheat or rye
flour, groats and meal**

(EUR/t)			(EUR/t)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	49,00
1001 90 91 9000	—	—	1101 00 15 9130	01	45,75
1001 90 99 9000	03	27,50	1101 00 15 9150	01	42,25
	02	0	1101 00 15 9170	01	39,00
1002 00 00 9000	03	57,50	1101 00 15 9180	01	36,50
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	21,00	1102 10 00 9500	01	87,00
	02	0	1102 10 00 9700	01	68,50
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	15,00 ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	01	13,40 ⁽²⁾
1005 90 00 9000	03	31,00	1103 11 10 9900	—	—
	02	0	1103 11 90 9200	01	15,00 ⁽²⁾
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 Switzerland, Liechtenstein.

⁽²⁾ No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

DIRECTIVE 1999/93/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 13 December 1999
on a Community framework for electronic signatures

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 47(2), 55 and 95 thereof,

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

Having regard to the opinion of the 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) On 16 April 1997 the Commission presented to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a Communication on a European Initiative in Electronic Commerce;
- (2) On 8 October 1997 the Commission presented to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a Communication on ensuring security and trust in electronic communication — towards a European framework for digital signatures and encryption;
- (3) On 1 December 1997 the Council invited the Commission to submit as soon as possible a proposal for a Directive of the European Parliament and of the Council on digital signatures;
- (4) Electronic communication and commerce necessitate 'electronic signatures' and related services allowing data authentication; divergent rules with respect to legal recognition of electronic signatures and the accreditation of certification-service providers in the Member States may create a significant barrier to the use of electronic communications and electronic commerce; on the other hand, a clear Community framework regarding the conditions applying to electronic signatures will strengthen confidence in, and general acceptance of, the new technologies; legislation in the Member States should not hinder the free movement of goods and services in the internal market;

- (5) The interoperability of electronic-signature products should be promoted; in accordance with Article 14 of the Treaty, the internal market comprises an area without internal frontiers in which the free movement of goods is ensured; essential requirements specific to electronic-signature products must be met in order to ensure free movement within the internal market and to build trust in electronic signatures, without prejudice to Council Regulation (EC) No 3381/94 of 19 December 1994 setting up a Community regime for the control of exports of dual-use goods ⁽⁵⁾ and Council Decision 94/942/CFSP of 19 December 1994 on the joint action adopted by the Council concerning the control of exports of dual-use goods ⁽⁶⁾;
- (6) This Directive does not harmonise the provision of services with respect to the confidentiality of information where they are covered by national provisions concerned with public policy or public security;
- (7) The internal market ensures the free movement of persons, as a result of which citizens and residents of the European Union increasingly need to deal with authorities in Member States other than the one in which they reside; the availability of electronic communication could be of great service in this respect;
- (8) Rapid technological development and the global character of the Internet necessitate an approach which is open to various technologies and services capable of authenticating data electronically;
- (9) Electronic signatures will be used in a large variety of circumstances and applications, resulting in a wide range of new services and products related to or using electronic signatures; the definition of such products and services should not be limited to the issuance and management of certificates, but should also encompass any other service and product using, or ancillary to, electronic signatures, such as registration services, time-stamping services, directory services, computing services or consultancy services related to electronic signatures;
- (10) The internal market enables certification-service-providers to develop their cross-border activities with a view to increasing their competitiveness, and thus to offer consumers and businesses new opportunities to exchange information and trade electronically in a secure way, regardless of frontiers; in order to stimulate the Community-wide provision of certification services over open networks, certification-service-providers should be free to provide their services without prior authorisation; prior authorisation means not only any

⁽¹⁾ OJ C 325, 23.10.1998, p. 5.

⁽²⁾ OJ C 40, 15.2.1999, p. 29.

⁽³⁾ OJ C 93, 6.4.1999, p. 33.

⁽⁴⁾ Opinion of the European Parliament of 13 January 1999 (OJ C 104, 14.4.1999, p. 49), Council Common Position of 28 June 1999 (OJ C 243, 27.8.1999, p. 33) and Decision of the European Parliament of 27 October 1999 (not yet published in the Official Journal). Council Decision of 30 November 1999.

⁽⁵⁾ OJ L 367, 31.12.1994, p. 1. Regulation as amended by Regulation (EC) No 837/95 (OJ L 90, 21.4.1995, p. 1).

⁽⁶⁾ OJ L 367, 31.12.1994, p. 8. Decision as last amended by Decision 99/193/CFSP (OJ L 73, 19.3.1999, p. 1).

- permission whereby the certification-service-provider concerned has to obtain a decision by national authorities before being allowed to provide its certification services, but also any other measures having the same effect;
- (11) Voluntary accreditation schemes aiming at an enhanced level of service-provision may offer certification-service-providers the appropriate framework for developing further their services towards the levels of trust, security and quality demanded by the evolving market; such schemes should encourage the development of best practice among certification-service-providers; certification-service-providers should be left free to adhere to and benefit from such accreditation schemes;
- (12) Certification services can be offered either by a public entity or a legal or natural person, when it is established in accordance with the national law; whereas Member States should not prohibit certification-service-providers from operating outside voluntary accreditation schemes; it should be ensured that such accreditation schemes do not reduce competition for certification services;
- (13) Member States may decide how they ensure the supervision of compliance with the provisions laid down in this Directive; this Directive does not preclude the establishment of private-sector-based supervision systems; this Directive does not oblige certification-service-providers to apply to be supervised under any applicable accreditation scheme;
- (14) It is important to strike a balance between consumer and business needs;
- (15) Annex III covers requirements for secure signature-creation devices to ensure the functionality of advanced electronic signatures; it does not cover the entire system environment in which such devices operate; the functioning of the internal market requires the Commission and the Member States to act swiftly to enable the bodies charged with the conformity assessment of secure signature devices with Annex III to be designated; in order to meet market needs conformity assessment must be timely and efficient;
- (16) This Directive contributes to the use and legal recognition of electronic signatures within the Community; a regulatory framework is not needed for electronic signatures exclusively used within systems, which are based on voluntary agreements under private law between a specified number of participants; the freedom of parties to agree among themselves the terms and conditions under which they accept electronically signed data should be respected to the extent allowed by national law; the legal effectiveness of electronic signatures used in such systems and their admissibility as evidence in legal proceedings should be recognised;
- (17) This Directive does not seek to harmonise national rules concerning contract law, particularly the formation and performance of contracts, or other formalities of a non-contractual nature concerning signatures; for this reason the provisions concerning the legal effect of electronic signatures should be without prejudice to requirements regarding form laid down in national law with regard to the conclusion of contracts or the rules determining where a contract is concluded;
- (18) The storage and copying of signature-creation data could cause a threat to the legal validity of electronic signatures;
- (19) Electronic signatures will be used in the public sector within national and Community administrations and in communications between such administrations and with citizens and economic operators, for example in the public procurement, taxation, social security, health and justice systems;
- (20) Harmonised criteria relating to the legal effects of electronic signatures will preserve a coherent legal framework across the Community; national law lays down different requirements for the legal validity of handwritten signatures; whereas certificates can be used to confirm the identity of a person signing electronically; advanced electronic signatures based on qualified certificates aim at a higher level of security; advanced electronic signatures which are based on a qualified certificate and which are created by a secure-signature-creation device can be regarded as legally equivalent to handwritten signatures only if the requirements for handwritten signatures are fulfilled;
- (21) In order to contribute to the general acceptance of electronic authentication methods it has to be ensured that electronic signatures can be used as evidence in legal proceedings in all Member States; the legal recognition of electronic signatures should be based upon objective criteria and not be linked to authorisation of the certification-service-provider involved; national law governs the legal spheres in which electronic documents and electronic signatures may be used; this Directive is without prejudice to the power of a national court to make a ruling regarding conformity with the requirements of this Directive and does not affect national rules regarding the unfettered judicial consideration of evidence;
- (22) Certification-service-providers providing certification-services to the public are subject to national rules regarding liability;
- (23) The development of international electronic commerce requires cross-border arrangements involving third countries; in order to ensure interoperability at a global level, agreements on multilateral rules with third countries on mutual recognition of certification services could be beneficial;

- (24) In order to increase user confidence in electronic communication and electronic commerce, certification-service-providers must observe data protection legislation and individual privacy;
- (25) Provisions on the use of pseudonyms in certificates should not prevent Member States from requiring identification of persons pursuant to Community or national law;
- (26) The measures necessary for the implementation of this Directive are to 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 ⁽¹⁾;
- (27) Two years after its implementation the Commission will carry out a review of this Directive so as, *inter alia*, to ensure that the advance of technology or changes in the legal environment have not created barriers to achieving the aims stated in this Directive; it should examine the implications of associated technical areas and submit a report to the European Parliament and the Council on this subject;
- (28) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objective of creating a harmonised legal framework for the provision of electronic signatures and related services cannot be sufficiently achieved by the Member States and can therefore be better achieved by the Community; this Directive does not go beyond what is necessary to achieve that objective,
2. 'advanced electronic signature' means an electronic signature which meets the following requirements:
- (a) it is uniquely linked to the signatory;
 - (b) it is capable of identifying the signatory;
 - (c) it is created using means that the signatory can maintain under his sole control; and
 - (d) it is linked to the data to which it relates in such a manner that any subsequent change of the data is detectable;
3. 'signatory' means a person who holds a signature-creation device and acts either on his own behalf or on behalf of the natural or legal person or entity he represents;
4. 'signature-creation data' means unique data, such as codes or private cryptographic keys, which are used by the signatory to create an electronic signature;
5. 'signature-creation device' means configured software or hardware used to implement the signature-creation data;
6. 'secure-signature-creation device' means a signature-creation device which meets the requirements laid down in Annex III;
7. 'signature-verification-data' means data, such as codes or public cryptographic keys, which are used for the purpose of verifying an electronic signature;
8. 'signature-verification device' means configured software or hardware used to implement the signature-verification-data;
9. 'certificate' means an electronic attestation which links signature-verification data to a person and confirms the identity of that person;
10. 'qualified certificate' means a certificate which meets the requirements laid down in Annex I and is provided by a certification-service-provider who fulfils the requirements laid down in Annex II;
11. 'certification-service-provider' means an entity or a legal or natural person who issues certificates or provides other services related to electronic signatures;
12. 'electronic-signature product' means hardware or software, or relevant components thereof, which are intended to be used by a certification-service-provider for the provision of electronic-signature services or are intended to be used for the creation or verification of electronic signatures;
13. 'voluntary accreditation' means any permission, setting out rights and obligations specific to the provision of certification services, to be granted upon request by the certification-service-provider concerned, by the public or private body charged with the elaboration of, and supervision of compliance with, such rights and obligations, where the certification-service-provider is not entitled to exercise the rights stemming from the permission until it has received the decision by the body.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope

The purpose of this Directive is to facilitate the use of electronic signatures and to contribute to their legal recognition. It establishes a legal framework for electronic signatures and certain certification-services in order to ensure the proper functioning of the internal market.

It does not cover aspects related to the conclusion and validity of contracts or other legal obligations where there are requirements as regards form prescribed by national or Community law nor does it affect rules and limits, contained in national or Community law, governing the use of documents.

Article 2

Definitions

For the purpose of this Directive:

1. 'electronic signature' means data in electronic form which are attached to or logically associated with other electronic data and which serve as a method of authentication;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

Article 3

Market access

1. Member States shall not make the provision of certification services subject to prior authorisation.

2. Without prejudice to the provisions of paragraph 1, Member States may introduce or maintain voluntary accreditation schemes aiming at enhanced levels of certification-service provision. All conditions related to such schemes must be objective, transparent, proportionate and non-discriminatory. Member States may not limit the number of accredited certification-service-providers for reasons which fall within the scope of this Directive.

3. Each Member State shall ensure the establishment of an appropriate system that allows for supervision of certification-service-providers which are established on its territory and issue qualified certificates to the public.

4. The conformity of secure signature-creation-devices with the requirements laid down in Annex III shall be determined by appropriate public or private bodies designated by Member States. The Commission shall, pursuant to the procedure laid down in Article 9, establish criteria for Member States to determine whether a body should be designated.

A determination of conformity with the requirements laid down in Annex III made by the bodies referred to in the first subparagraph shall be recognised by all Member States.

5. The Commission may, in accordance with the procedure laid down in Article 9, establish and publish reference numbers of generally recognised standards for electronic-signature products in the *Official Journal of the European Communities*. Member States shall presume that there is compliance with the requirements laid down in Annex II, point (f), and Annex III when an electronic signature product meets those standards.

6. Member States and the Commission shall work together to promote the development and use of signature-verification devices in the light of the recommendations for secure signature-verification laid down in Annex IV and in the interests of the consumer.

7. Member States may make the use of electronic signatures in the public sector subject to possible additional requirements. Such requirements shall be objective, transparent, proportionate and non-discriminatory and shall relate only to the specific characteristics of the application concerned. Such requirements may not constitute an obstacle to cross-border services for citizens.

Article 4

Internal market principles

1. Each Member State shall apply the national provisions which it adopts pursuant to this Directive to certification-service-providers established on its territory and to the services

which they provide. Member States may not restrict the provision of certification-services originating in another Member State in the fields covered by this Directive.

2. Member States shall ensure that electronic-signature products which comply with this Directive are permitted to circulate freely in the internal market.

Article 5

Legal effects of electronic signatures

1. Member States shall ensure that advanced electronic signatures which are based on a qualified certificate and which are created by a secure-signature-creation device:

- (a) satisfy the legal requirements of a signature in relation to data in electronic form in the same manner as a hand-written signature satisfies those requirements in relation to paper-based data; and
- (b) are admissible as evidence in legal proceedings.

2. Member States shall ensure that an electronic signature is not denied legal effectiveness and admissibility as evidence in legal proceedings solely on the grounds that it is:

- in electronic form, or
- not based upon a qualified certificate, or
- not based upon a qualified certificate issued by an accredited certification-service-provider, or
- not created by a secure signature-creation device.

Article 6

Liability

1. As a minimum, Member States shall ensure that by issuing a certificate as a qualified certificate to the public or by guaranteeing such a certificate to the public a certification-service-provider is liable for damage caused to any entity or legal or natural person who reasonably relies on that certificate:

- (a) as regards the accuracy at the time of issuance of all information contained in the qualified certificate and as regards the fact that the certificate contains all the details prescribed for a qualified certificate;
- (b) for assurance that at the time of the issuance of the certificate, the signatory identified in the qualified certificate held the signature-creation data corresponding to the signature-verification data given or identified in the certificate;
- (c) for assurance that the signature-creation data and the signature-verification data can be used in a complementary manner in cases where the certification-service-provider generates them both;

unless the certification-service-provider proves that he has not acted negligently.

2. As a minimum Member States shall ensure that a certification-service-provider who has issued a certificate as a qualified certificate to the public is liable for damage caused to any entity or legal or natural person who reasonably relies on the certificate for failure to register revocation of the certificate unless the certification-service-provider proves that he has not acted negligently.

3. Member States shall ensure that a certification-service-provider may indicate in a qualified certificate limitations on the use of that certificate, provided that the limitations are recognisable to third parties. The certification-service-provider shall not be liable for damage arising from use of a qualified certificate which exceeds the limitations placed on it.

4. Member States shall ensure that a certification-service-provider may indicate in the qualified certificate a limit on the value of transactions for which the certificate can be used, provided that the limit is recognisable to third parties.

The certification-service-provider shall not be liable for damage resulting from this maximum limit being exceeded.

5. The provisions of paragraphs 1 to 4 shall be without prejudice to Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts ⁽¹⁾.

Article 7

International aspects

1. Member States shall ensure that certificates which are issued as qualified certificates to the public by a certification-service-provider established in a third country are recognised as legally equivalent to certificates issued by a certification-service-provider established within the Community if:

- (a) the certification-service-provider fulfils the requirements laid down in this Directive and has been accredited under a voluntary accreditation scheme established in a Member State; or
- (b) a certification-service-provider established within the Community which fulfils the requirements laid down in this Directive guarantees the certificate; or
- (c) the certificate or the certification-service-provider is recognised under a bilateral or multilateral agreement between the Community and third countries or international organisations.

2. In order to facilitate cross-border certification services with third countries and legal recognition of advanced electronic signatures originating in third countries, the Commission shall make proposals, where appropriate, to achieve the effective implementation of standards and international agreements applicable to certification services. In particular, and where necessary, it shall submit proposals to the Council for appropriate mandates for the negotiation of bilateral and multilateral agreements with third countries and international organisations. The Council shall decide by qualified majority.

⁽¹⁾ OJ L 95, 21.4.1993, p. 29.

3. Whenever the Commission is informed of any difficulties encountered by Community undertakings with respect to market access in third countries, it may, if necessary, submit proposals to the Council for an appropriate mandate for the negotiation of comparable rights for Community undertakings in these third countries. The Council shall decide by qualified majority.

Measures taken pursuant to this paragraph shall be without prejudice to the obligations of the Community and of the Member States under relevant international agreements.

Article 8

Data protection

1. Member States shall ensure that certification-service-providers and national bodies responsible for accreditation or supervision comply with the requirements laid down in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽²⁾.

2. Member States shall ensure that a certification-service-provider which issues certificates to the public may collect personal data only directly from the data subject, or after the explicit consent of the data subject, and only insofar as it is necessary for the purposes of issuing and maintaining the certificate. The data may not be collected or processed for any other purposes without the explicit consent of the data subject.

3. Without prejudice to the legal effect given to pseudonyms under national law, Member States shall not prevent certification service providers from indicating in the certificate a pseudonym instead of the signatory's name.

Article 9

Committee

1. The Commission shall be assisted by an 'Electronic-Signature Committee', hereinafter referred to as 'the committee'.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

3. The Committee shall adopt its own rules of procedure.

Article 10

Tasks of the committee

The committee shall clarify the requirements laid down in the Annexes of this Directive, the criteria referred to in Article 3(4) and the generally recognised standards for electronic signature products established and published pursuant to Article 3(5), in accordance with the procedure laid down in Article 9(2).

⁽²⁾ OJ L 281, 23.11.1995, p. 31.

*Article 11***Notification**

1. Member States shall notify to the Commission and the other Member States the following:
 - (a) information on national voluntary accreditation schemes, including any additional requirements pursuant to Article 3(7);
 - (b) the names and addresses of the national bodies responsible for accreditation and supervision as well as of the bodies referred to in Article 3(4);
 - (c) the names and addresses of all accredited national certification service providers.
2. Any information supplied under paragraph 1 and changes in respect of that information shall be notified by the Member States as soon as possible.

*Article 12***Review**

1. The Commission shall review the operation of this Directive and report thereon to the European Parliament and to the Council by 19 July 2003 at the latest.
2. The review shall inter alia assess whether the scope of this Directive should be modified, taking account of technological, market and legal developments. The report shall in particular include an assessment, on the basis of experience gained, of aspects of harmonisation. The report shall be accompanied, where appropriate, by legislative proposals.

*Article 13***Implementation**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 19 July 2001. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

*Article 14***Entry into force**

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

*Article 15***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 13 December 1999.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

S. HASSI

ANNEX I

Requirements for qualified certificates

Qualified certificates must contain:

- (a) an indication that the certificate is issued as a qualified certificate;
 - (b) the identification of the certification-service-provider and the State in which it is established;
 - (c) the name of the signatory or a pseudonym, which shall be identified as such;
 - (d) provision for a specific attribute of the signatory to be included if relevant, depending on the purpose for which the certificate is intended;
 - (e) signature-verification data which correspond to signature-creation data under the control of the signatory;
 - (f) an indication of the beginning and end of the period of validity of the certificate;
 - (g) the identity code of the certificate;
 - (h) the advanced electronic signature of the certification-service-provider issuing it;
 - (i) limitations on the scope of use of the certificate, if applicable; and
 - (j) limits on the value of transactions for which the certificate can be used, if applicable.
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ANNEX II

Requirements for certification-service-providers issuing qualified certificates

Certification-service-providers must:

- (a) demonstrate the reliability necessary for providing certification services;
 - (b) ensure the operation of a prompt and secure directory and a secure and immediate revocation service;
 - (c) ensure that the date and time when a certificate is issued or revoked can be determined precisely;
 - (d) verify, by appropriate means in accordance with national law, the identity and, if applicable, any specific attributes of the person to which a qualified certificate is issued;
 - (e) employ personnel who possess the expert knowledge, experience, and qualifications necessary for the services provided, in particular competence at managerial level, expertise in electronic signature technology and familiarity with proper security procedures; they must also apply administrative and management procedures which are adequate and correspond to recognised standards;
 - (f) use trustworthy systems and products which are protected against modification and ensure the technical and cryptographic security of the process supported by them;
 - (g) take measures against forgery of certificates, and, in cases where the certification-service-provider generates signature-creation data, guarantee confidentiality during the process of generating such data;
 - (h) maintain sufficient financial resources to operate in conformity with the requirements laid down in the Directive, in particular to bear the risk of liability for damages, for example, by obtaining appropriate insurance;
 - (i) record all relevant information concerning a qualified certificate for an appropriate period of time, in particular for the purpose of providing evidence of certification for the purposes of legal proceedings. Such recording may be done electronically;
 - (j) not store or copy signature-creation data of the person to whom the certification-service-provider provided key management services;
 - (k) before entering into a contractual relationship with a person seeking a certificate to support his electronic signature inform that person by a durable means of communication of the precise terms and conditions regarding the use of the certificate, including any limitations on its use, the existence of a voluntary accreditation scheme and procedures for complaints and dispute settlement. Such information, which may be transmitted electronically, must be in writing and in readily understandable language. Relevant parts of this information must also be made available on request to third-parties relying on the certificate;
 - (l) use trustworthy systems to store certificates in a verifiable form so that:
 - only authorised persons can make entries and changes,
 - information can be checked for authenticity,
 - certificates are publicly available for retrieval in only those cases for which the certificate-holder's consent has been obtained, and
 - any technical changes compromising these security requirements are apparent to the operator.
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*ANNEX III***Requirements for secure signature-creation devices**

1. Secure signature-creation devices must, by appropriate technical and procedural means, ensure at the least that:
 - (a) the signature-creation-data used for signature generation can practically occur only once, and that their secrecy is reasonably assured;
 - (b) the signature-creation-data used for signature generation cannot, with reasonable assurance, be derived and the signature is protected against forgery using currently available technology;
 - (c) the signature-creation-data used for signature generation can be reliably protected by the legitimate signatory against the use of others.
2. Secure signature-creation devices must not alter the data to be signed or prevent such data from being presented to the signatory prior to the signature process.

*ANNEX IV***Recommendations for secure signature verification**

During the signature-verification process it should be ensured with reasonable certainty that:

- (a) the data used for verifying the signature correspond to the data displayed to the verifier;
 - (b) the signature is reliably verified and the result of that verification is correctly displayed;
 - (c) the verifier can, as necessary, reliably establish the contents of the signed data;
 - (d) the authenticity and validity of the certificate required at the time of signature verification are reliably verified;
 - (e) the result of verification and the signatory's identity are correctly displayed;
 - (f) the use of a pseudonym is clearly indicated; and
 - (g) any security-relevant changes can be detected.
-

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 December 1999

amending Annex B to Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species

(notified under document number C(1999) 4507)

(Text with EEA relevance)

(2000/39/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species ⁽¹⁾, as last amended by Decision 1999/608/EC ⁽²⁾, and, in particular, Article 17 thereof,

Whereas:

- (1) in the case of Aujeszky's disease, a 30-day period after the completion of cleansing and disinfection of a holding, following the elimination of a suspect consignment, is considered as safe;
- (2) Annex B(I)(4)(b) to Directive 90/429/EEC should be therefore amended;
- (3) the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

In Annex B(I)(4) of Directive 90/429/EEC, point (b) is replaced by the following:

'no clinical, pathological or serological evidence of Aujeszky's disease has been recorded for the past 30 days'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 December 1999.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 62.

⁽²⁾ OJ L 242, 14.9.1999, p. 20.

COMMISSION DECISION
of 16 December 1999
establishing the ecological criteria for the award of the Community eco-label to refrigerators

(notified under document number C(1999) 4522)

(Text with EEA relevance)

(2000/40/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme ⁽¹⁾, and in particular the second subparagraph of Article 5(1) thereof,

- (1) Whereas the first subparagraph of Article 5(1) of Regulation (EEC) No 880/92 provides that the conditions for the award of the Community eco-label shall be defined by product groups;
- (2) Whereas Article 10(2) of Regulation (EEC) No 880/92 states that environment performance of a product shall be assessed by reference to the specific criteria for product groups;
- (3) Whereas it is appropriate to establish criteria expressing test methods and classification for energy consumption in conformity with Commission Directive 94/2/EC of 21 January 1994 implementing Council Directive 92/75/EEC with regard to energy labelling of household electric refrigerators, freezers and their combinations ⁽²⁾ and, moreover, to adapt the energy-consumption requirements to technological innovation and market developments;
- (4) Whereas, by Decision 96/703/EC ⁽³⁾, the Commission established ecological criteria for the award of the Community eco-label to refrigerators, which, according to Article 3 thereof, expire on 27 November 1999;
- (5) Whereas it is appropriate to adopt a new Decision establishing ecological criteria for this product group, in order to allow for the participation in the Community eco-label award scheme of manufacturers and importers of refrigerators;
- (6) Whereas in accordance with Article 6 of Regulation (EEC) No 880/92 the Commission has consulted the principal interest groups within a consultation forum;
- (7) Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee set up pursuant to Article 7 of Regulation (EEC) No 880/92,

HAS ADOPTED THIS DECISION:

Article 1

The product group 'refrigerators' (hereinafter referred to as 'the product group') shall mean:

Electric, mains-operated household refrigerators, frozen food storage cabinets, food freezers and their combinations.

Appliances that may also use other energy sources, such as batteries, are excluded.

Article 2

The environmental performance and the fitness for use of the product group shall be assessed by reference to the criteria set out in the Annex.

Article 3

The product group definition and the criteria for the product group shall be valid from the date of notification of this Decision until 1 December 2002. If, however, on 1 December 2002 a new Decision establishing the product group definition and the criteria for this product group has not yet been adopted, this period of validity shall instead end either on 1 December 2003 or on the date of adoption of the new Decision, whichever is sooner.

Article 4

For administrative purposes the product group code number assigned to this product group shall be '012'.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 16 December 1999.

For the Commission

Margot WALLSTRÖM

Member of the Commission

⁽¹⁾ OJ L 99, 11.4.1992, p. 1.

⁽²⁾ OJ L 45, 17.2.1994, p. 1.

⁽³⁾ OJ L 323, 13.12.1996, p. 34.

ANNEX

ECOLOGICAL CRITERIA

FRAMEWORK

In order to be awarded an eco-label, the appliance shall comply with the criteria of this Annex, which are aimed at promoting:

- reduction of environmental damage or risks related to the use of energy (global warming, acidification, depletion of non-renewable energy sources) by reducing energy consumption
- reduction of environmental damage or risks related to the use of potentially ozone-depleting and other hazardous substances by reducing the use of these substances
- reduction of environmental damage or risks related to the use of substances which may have a global-warming potential.

Additionally, the criteria encourage the implementation of best practice (optimal environmental use) and enhance consumers' environmental awareness.

Furthermore, marking the plastic components encourages the recycling of the machine.

The competent bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or ISO 14001, when assessing applications and monitoring compliance with the criteria in this Annex (*note: it is not required to implement such management schemes*).

KEY CRITERIA

1. Energy savings

The appliance must have an energy efficiency index lower than 42 % as defined in Directive 94/2/EC ⁽¹⁾, Annex V, using the same test method EN 153 and the same classification in 10 categories.

The applicant shall provide a copy of the technical documentation referred to under Article 2(1) of Commission Directive 94/2/EC. This documentation shall include the reports of at least three measurements of energy consumption made according to EN 153. The arithmetic mean of these measurements shall be less or equal to the above requirement. The value declared on the energy label shall not be lower than this mean value, and the energy efficiency class indicated on the energy label shall correspond to this mean value.

In case of verification, which is not required on application, competent bodies shall apply the tolerances and control procedures laid down in EN 153.

2. Reduction of ozone depletion potential (ODP) of refrigerants and foaming agents

The refrigerants in the refrigerating circuit and foaming agents used for the insulation of the appliance shall have an ozone depletion potential equal to zero.

The applicant shall declare compliance of the product with these requirements. The applicant and/or his supplier or suppliers, as appropriate, shall indicate to the competent body assessing the application which refrigerants and foaming agents have been used and details of their ozone depletion potential.

3. Reduction of global warming potential (GWP) of refrigerants and foaming agents

The refrigerants in the refrigerating circuit and foaming agent used for the insulation of the appliance, shall have a global warming potential equal to, or lower than, 15 (rated as CO₂ equivalents over a period of 100 years).

The applicant shall declare compliance of the product with these requirements. The applicant and/or his supplier or suppliers, as appropriate, shall indicate to the competent body assessing the application which refrigerants and foaming agents have been used and details of their global warming potential.

ADDITIONAL CRITERIA

4. Life-time extension

The manufacturer shall offer a commercial guarantee to ensure that the appliance will function for at least three years. This guarantee shall be valid from the date of delivery to the customer.

⁽¹⁾ OJ L 45, 17.2.1994, p. 1.

The availability of compatible replacement parts and service shall be guaranteed for 12 years from the time that production ceases.

The applicant shall declare compliance of the product with these requirements.

5. Take-back and recycling

The manufacturer shall offer, free of charge, the take-back for recycling of the refrigerator and of components being replaced, except for items contaminated by users (e.g. refrigerators originating from medical or nuclear establishments).

In addition, the refrigerator shall meet the following criteria:

1. The manufacturer shall take into account the disassembly of the refrigerator and provide a disassembly report. Amongst others, the report shall confirm that:
 - joints are easy to find and accessible
 - electronic assemblies are easy to find and to dismantle
 - the product is easy to dismantle by using commonly available tools
 - incompatible and hazardous materials are separable.
2. Plastic parts heavier than 50 grams shall have a permanent marking identifying the material, in conformity with ISO 11469. Excluded from this criterion are extruded plastic parts.
3. Plastic parts heavier than 25 grams shall not contain the following flame retardants:

Name	CAS No
decabromodiphenyl	13654-09-6
monobromodiphenyl ether	101-55-3
dibromodiphenyl ether	2050-47-7
tribromodiphenyl ether	49690-94-0
tetrabromodiphenyl ether	40088-47-9
pentabromodiphenyl ether	32534-81-9
hexabromodiphenyl ether	36483-60-0
heptabromodiphenyl ether	68928-80-3
octabromodiphenyl ether	32536-52-0
nonabromodiphenyl ether	63936-56-1
decabromodiphenyl ether	1163-19-5
Chloroparaffins with chain length 10 to 13 C atoms, chlorine content > 50 % by weight	85535-84-8

4. Plastic parts heavier than 25 grams shall not contain flame retardant substances or preparations containing substances that are or may be assigned any of the risk phrases R45 (may cause cancer), R46 (may cause heritable genetic damage), R50 (very toxic to aquatic organisms), R51 (toxic to aquatic organisms), R52 (harmful to aquatic organisms), R53 (may cause long-term adverse effects in the aquatic environment), R60 (may impair fertility) or R61 (may cause harm to the unborn child), or any combinations of risk phrases containing any of the above risk phrases, as defined in Council Directive 67/548/EEC ⁽¹⁾, as last amended by Commission Directive 98/98/EEC ⁽²⁾.

This requirement does not apply to flame retardants that on application change their chemical nature to no longer warrant classification under any of the R-phrases listed above, and where less than 0,1 % of the flame retardant in the treated part remains in the form as before application.

5. The type of refrigerant and foaming agent used for the insulation shall be indicated on the appliance, near to or on the rating plate, to facilitate possible future recovery.

The applicant shall declare compliance of the product with these requirements. The applicant shall provide the competent body assessing the application with a copy of the disassembly report. The applicant and/or his supplier or suppliers, as appropriate, shall indicate to this competent body which refrigerants and foaming agents have been used, and which flame retardants, if any, have been used in or on plastic parts heavier than 25 grams.

⁽¹⁾ OJ 196, 16.8.1967, p. 1.

⁽²⁾ OJ L 355, 30.12.1998, p. 1.

6. User instructions

The appliance shall be sold with an instruction manual, which provides advice on the correct environmental use and, in particular:

1. the following text on the cover page or first page: 'Information on how to minimise environmental impacts is given in this manual';
2. recommendations for optimal use of energy in the operation of the appliance, including:
 - 2.1. guidelines concerning the placing or installation of the refrigerator, amongst others, stating the minimum dimensions of free space around the appliance needed to ensure sufficient circulation of air, and also indicating that where the consumer has the possibility, significant energy savings can be achieved by placing the appliance in an unheated or less heated location;
 - 2.2. advice that the consumer should avoid placing the appliance next to any heat source (such as ovens, radiators, etc.) or in direct sunlight; advice that, where relevant, the consumer should consider insulating the appliance from wall or underfloor heating sources;
 - 2.3. advice that the thermostat setting is dependent on the ambient temperature and therefore, the temperature setting should be checked by using an appropriate thermometer (explanation on how to proceed should be provided);
 - 2.4. advice that the door or lid should not be opened more often than needed and no longer than necessary, especially with regard to upright freezers;
 - 2.5. advice that hot foodstuffs should be allowed to cool down before placing in the appliance, as the steam from the foodstuffs contributes to the icing up of the evaporator unit, but that the cooling period, however, should be as short as possible for health and hygiene reasons;
 - 2.6. advice that the evaporator unit should be kept clean from thick layers of ice and that frequent defrosting facilitates the removal of the ice cover;
 - 2.7. advice that the door seal should be replaced when not functioning properly;
 - 2.8. advice that when moving the appliance sufficient time should be allowed before switching it on again;
 - 2.9. advice that the condenser on the back of the appliance and the space underneath the appliance should be kept clean from dust or kitchen smoke;
 - 2.10. information that ignoring the issues mentioned above will lead to higher energy consumption;
3. advice that any damage to the condenser (heat-exchanger) on the back of the appliance, or other events leading to exposure of the refrigerant to the environment, should be avoided because of potential environmental and health risks; the manual shall specifically mention that sharp objects (such as knives, screwdrivers, etc.) should not be used for removing ice as they could damage the evaporator unit;
4. information that the appliance contains fluids and is made of parts and materials which are reusable and/or recyclable;
5. advice on how the consumer can make use of the manufacturer's take-back-offer.

The applicant shall declare compliance of the product with these requirements. The applicant shall prove the competent body assessing the application with a copy of the instruction manual.

7. Limit noise emissions

Airborne noise from the appliance, counted as sound power, shall not exceed 42 dB(A) (re 1pW).

Information about the noise level of the appliance shall be provided in a way clearly visible to the consumer. This shall be done by the incorporation of this information in the energy label for refrigerators.

The measurement of the noise level and the information relating to noise shall be provided in accordance with Council Directive 86/594/EEC⁽¹⁾, using EN 28960 standard.

This criterion does not apply to chest freezers indicated as category 9: 'household food freezers, chest' in Annex IV to Directive 94/2/EC.

The applicant shall declare compliance of the product with these requirements.

⁽¹⁾ OJ L 344, 6.12.1986, p. 24.

8. Consumer information

The following text shall be provided in such a way as to be clearly visible for consumers (next to the label, whenever possible):

- This product qualifies for the European Union eco-label because it is economical with energy, safeguards the ozone layer and has minimised contribution to the greenhouse effect.
-

COMMISSION DECISION
of 29 December 1999
concerning the validity of certain binding tariff information

(notified under document number C(1999) 5135)

(Only the English text is authentic)

(2000/41/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 955/1999 ⁽²⁾, and in particular Articles 12(5)(a)(iii) and 249(4) thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1662/1999 ⁽⁴⁾, and in particular Article 9 thereof,

- (1) Whereas the binding tariff information referred to in the Annex to this Decision is inconsistent with other binding tariff information, and the tariff classification it contains is incompatible with the general rules for the interpretation of the Combined Nomenclature set out in Section I A of Part I of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁵⁾, as last amended by Council Regulation (EC) No 2626/1999 ⁽⁶⁾;
- (2) Whereas the said binding tariff information should cease to be valid; whereas, therefore, the customs administrations which issued the information should revoke it as soon as possible and notify the Commission to that effect;
- (3) Whereas under Article 14(1) of Regulation (EEC) No 2454/93 the holder may make use for a given period of

time of the possibility of invoking such binding tariff information which has ceased to be valid;

- (4) Whereas the measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

The binding tariff information referred to by number in column 1 of the table set out in the Annex, issued by the customs authorities named in column 2 in respect of the tariff classification shown in column 3, must be revoked as soon as possible but not later than the 21st day following that of the publication of this Decision in the *Official Journal of the European Communities*.

Article 2

This Decision is addressed to Ireland and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 29 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 119, 7.5.1999, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 197, 29.7.1999, p. 25.

⁽⁵⁾ OJ L 256, 7.9.1987, p. 1.

⁽⁶⁾ OJ L 321, 14.12.1999, p. 3.

ANNEX

Binding tariff information (reference)	Customs authority	Tariff classification
No. 1 UK 103353223	HM Customs and Excise Tariff & Statistical Office Southend-on-Sea United Kingdom	3006 10 90
No. 2 IE 97N4-14-3173-02	Tariff Classification Unit Customs & Excise Branch Office of the Revenue Commissioners Nenagh Ireland	9018 90 85
No. 3 UK 100773801	HM Customs & Excise Tariff & Statistical Office Southend-on-Sea United Kingdom	9021 90 90