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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 312/2003**of 18 February 2003**

implementing for the Community the tariff provisions laid down in the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part⁽¹⁾, hereinafter referred to as 'the Agreement', lays down the tariff preferences applicable to products originating in Chile in accordance with Annex III to the Agreement.
- (2) Decision 2002/979/EC⁽²⁾ on the signature and provisional application of certain provisions of the Agreement provides that the tariff preferences laid down in the Agreement shall be applicable on a provisional basis pending its entry into force.
- (3) The base rates for calculating tariff reductions are those set out in Annex I to the Agreement.
- (4) The same methods of calculation should apply to *ad valorem* rates of duty as to specific duties except in the cases specified in Article 71(2) and (3) of the Agreement.
- (5) The Agreement stipulates that certain products originating in Chile may be imported into the Community within the limits of tariff quotas, at a reduced or a zero rate of customs duty. It is necessary to specify the products eligible for those tariff measures, their volumes and duties and the methods for calculating the reductions.
- (6) It is appropriate to provide that the tariff quotas should be managed, in general, on a first-come first-served basis in accordance with Articles 308a, 308b and 308c of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽³⁾. The tariff quota for certain products should be managed under a system which is based on import and export licences and which should be carried out by the Commission.
- (7) The Combined Nomenclature codes mentioned in this Regulation are those of the Combined Nomenclature for 2003, as provided in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽⁴⁾. Amendments to the Combined Nomenclature and Taric codes adopted after 2002 should not result in changes of substance in agreements or other acts concluded between the Community and Chile. It is appropriate, therefore, to provide that the amendments and technical adaptations to the Annex to the Regulations made necessary by amendments to the Combined Nomenclature may be adopted by the Commission, assisted by the Customs Code Committee, 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⁽⁵⁾. It is also appropriate to provide that the same procedure should be followed for the adoption of amendments and technical adaptations to the Annex to the Regulations required by the amendments of the Agreement, or decisions taken thereunder, or other agreements between the parties.
- (8) In the interest of combating fraud, it is necessary to provide that preferential imports into the Community may be subject to surveillance,

⁽¹⁾ OJ L 352, 30.12.2002, p. 3.

⁽²⁾ OJ L 352, 30.12.2002, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 444/2002 (OJ L 68, 12.3.2002, p. 11).

⁽⁴⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1832/2002 (OJ L 290, 28.10.2002, p. 1).

⁽⁵⁾ OJ L 184, 17.7.1999, p. 23.

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purposes of implementing the tariff preferences laid down in the Agreement:

(a) the term 'MFN duty' shall mean the duties specified in Part Two of Annex I to Regulation (EEC) No 2658/87. However, it shall not mean a duty set up within the framework of a tariff quota under Article 26 of the Treaty or under Annex 7 to Regulation (EEC) No 2658/87;

(b) subject to paragraph 2, the final rate of preferential duty shall be rounded down to the first decimal point.

2. Where the result of calculating the rate of preferential duty is one of the following, the preferential rate shall be considered as a full exemption:

(a) 1 % or less in the case of *ad valorem* duties, or

(b) EUR 2 or less per individual euro amount in the case of specific duties.

3. Where the customs duties comprise an *ad valorem* duty with a minimum and maximum duty, the preferential reduction shall also apply to that minimum and maximum duty. For products listed in Annex I to the Agreement under categories 'EP' and 'SP', the preferential reduction shall apply only to the *ad valorem* duty and in accordance with Annex I to the Agreement. If the customs duties comprise more than one specific duty, the preferential reduction shall apply to all these duties and in accordance with Annex I to the Agreement.

Article 2

1. The Commission shall open annual tariff quotas for the products originating in Chile set out in the Annex. The customs duties on these products shall be reduced to the levels provided for and within the limits of the tariff quotas specified in that Annex.

2. The reductions of duty referred to in the Annex are expressed as a percentage of the customs duties effectively applied to goods originating in Chile outside the tariff quotas provided for in the Annex when declared for release for free circulation.

3. The tariff quotas referred to in the Annex shall be opened each year for a 12-month period from 1 January. However, in 2003 and except for the quota referred to in Article 4(2), the volume of these quotas shall be reduced by the number of twelfths corresponding to the calendar months before this Regulation enters into force.

4. A tariff quota falling within a tariff elimination category set out in Annex I to the Agreement shall end when the preferential duty is completely eliminated in accordance with its timetable.

Article 3

1. The annual volume of the tariff quotas at order Nos 09.1921, 09.1922, 09.1923 and 09.4181 in the Annex shall be increased successively by 10 per cent each year of the original quantity from 1 January 2004.

2. The annual volume of the tariff quotas at order Nos 09.1924, 09.1925, 09.1926, 09.1927, 09.1928, 09.1929 and 09.1930 in the Annex shall be increased successively by five per cent each year of the original quantity from 1 January 2004.

Article 4

1. Except for the tariff quota at order number 09.4181, the tariff quotas provided for in the Annex shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

2. The Commission shall lay down the management rules for the tariff quota at order number 09.4181.

Article 5

The amendments and technical adaptations of the Annex to this Regulation made necessary by amendments to the Combined Nomenclature and Taric codes or arising from the amendment of the Agreement, or from decisions of the joint bodies established under the Agreement, or from the conclusion of other agreements, protocols or exchanges of letters between the Community and Chile shall be adopted by the Commission in accordance with the procedure set out in Article 6(2).

Article 6

1. The Commission shall be assisted by the Customs Code 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.

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

3. The Committee shall adopt its rules of procedure.

Article 7

1. Products put into free circulation with the benefit of the preferential rates provided for in the Agreement may be subject to surveillance. The Commission in consultation with the Member States shall decide the products to which this surveillance applies.

2. Article 308d of Regulation (EEC) No 2454/93 shall apply.

3. Member States and the Commission shall cooperate closely to ensure that the surveillance referred to in paragraph 1 is complied with.

Article 8

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

It shall apply from the date of the provisional application of certain provisions of the Agreement.

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

Done at Brussels, 18 February 2003.

For the Council

The President

N. CHRISTODOULAKIS

ANNEX

Concerning the products referred to in Article 2

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist when this Regulation is adopted. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	Description	Annual tariff quota volume (net weight)	Tariff quota duty (% reduction)
09.4181	0201 20 0201 30 00 0202 20 0202 30	Meat of bovine animals, fresh, chilled or frozen	1 000 tonnes ⁽¹⁾	100
09.1921	0203 11 10 0203 12 11 0203 12 19 0203 19 11 0203 19 13 0203 19 15 0203 19 55 0203 19 59 0203 21 10 0203 22 11 0203 22 19 0203 29 11 0203 29 13 0203 29 15 0203 29 55 0203 29 59 1601 00 1602 41 1602 42 1602 49	Meat of swine, fresh, chilled or frozen; sausages and similar products, of meat, meat offal, or blood; food preparations based on these products; other prepared or preserved meat, meat offal or blood (of swine)	3 500 tonnes ⁽¹⁾	100
09.1922	0204	Meat of sheep or goats, fresh, chilled or frozen	2 000 tonnes ⁽¹⁾	100
09.1923	0207 11 0207 12 0207 13 0207 14 0207 24 0207 25 0207 26 0207 27 0207 32 11 0207 32 15 0207 32 19 0207 33 11 0207 33 19 0207 35 15 0207 35 21 0207 35 53 0207 35 63 0207 35 71 0207 36 15 0207 36 21 0207 36 53 0207 36 63 0207 36 71 1602 31 1602 32	Meat and edible offal of the poultry, fresh, chilled and frozen; other prepared or preserved meat (of turkeys and of fowls of the species <i>Gallus domesticus</i>)	7 250 tonnes ⁽¹⁾	100
09.1924	0406	Cheese and curd	1 500 tonnes ⁽²⁾	100

Order No	CN code	Description	Annual tariff quota volume (net weight)	Tariff quota duty (% reduction)
09.1925	0703 20 00	Garlic	500 tonnes ⁽²⁾	100
09.1926	1104	Cereal grains otherwise worked, except rice of heading 1006; germ of cereals, whole, rolled, flaked or ground	1 000 tonnes ⁽²⁾	100
09.1927	2203 10 20 2003 10 30	Mushrooms of the genus <i>Agaricus</i> , prepared or preserved	500 tonnes ⁽²⁾	100
09.1928	2008 60 19	Cherries	1 000 tonnes ⁽²⁾	100
09.1929	ex 0806 10 10	Table grapes, from 1 January to 14 July	37 000 tonnes ⁽²⁾	100
09.1930	ex 0806 10 10	Table grapes, from 1 November to 31 December	3 000 tonnes ⁽²⁾	100
09.1931	1704 10 1704 90	Sugar confectionery (including white chocolate), not containing cocoa	400 tonnes	100
09.1932	1806 20 1806 31 00 1806 32 1806 90	Chocolate and other food preparations containing cocoa	400 tonnes	100
09.1933	1905 31 1905 32 1905 90 40 1905 90 45	Sweet biscuits; waffles and wafers	500 tonnes	100
09.1934	0302 69 66 0302 69 67 0302 69 68 0302 69 69	Hake (<i>Merluccius spp.</i> , <i>Urophycis spp.</i>), fresh or chilled	5 000 tonnes	10 ⁽³⁾
09.1935	0305 30 30 0305 41 00	Fish fillets, dried, salted or in brine; smoked fish	40 tonnes	10 ⁽³⁾
09.1936	1604 14 11 1604 14 18 1604 19 39 1604 20 70	Prepared or preserved fish	150 tonnes	one third of the MFN duty

⁽¹⁾ The annual volume of the tariff quota shall be increased successively each year by 10 per cent of the original quantity.

⁽²⁾ The annual volume of the tariff quota shall be increased successively each year by five per cent of the original quantity.

⁽³⁾ This reduction shall be increased in nine equal stages each year starting on 1 January 2004.

COUNCIL REGULATION (EC) No 313/2003
of 18 February 2003
extending Regulation (EC) No 310/2002 concerning certain restrictive measures in respect of
Zimbabwe

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2003/115/CFSP of 18 February 2003 amending and extending Common Position 2002/145/CFSP concerning restrictive measures against Zimbabwe ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) Regulation (EC) No 310/2002 of 18 February 2002 concerning certain restrictive measures in respect of Zimbabwe ⁽²⁾ expires on 20 February 2003 and Article 13 of that Regulation provides expressly for the possibility of renewal.
- (2) There has been a further deterioration in the situation in Zimbabwe, where serious violations of human rights and freedom of opinion, association and peaceful assembly continue to occur.
- (3) Accordingly, Common Position 2003/115/CFSP provides for the extension until 20 February 2004 of the restrictive measures provided for by Common Position 2002/145/CFSP of 18 February 2002 concerning restrictive

measures against Zimbabwe ⁽³⁾. In particular those measures include the freezing of funds, financial assets or economic resources of individual members of the government and natural or legal persons associated with them as well as a ban on the export of equipment which might be used for internal repression, and a ban on technical advice, assistance or training related to military activities.

- (4) Consequently, Regulation (EC) No 310/2002 needs to be extended for a further 12 months,

HAS ADOPTED THIS REGULATION:

Article 1

The period of application of Regulation (EC) No 310/2002 is extended by 12 months, i.e. until 20 February 2004, unless its period of application is further renewed.

Article 2

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

It shall apply from 21 February 2003.

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

Done at Brussels, 18 February 2003.

For the Council

The President

N. CHRISTODOULAKIS

⁽¹⁾ See page 30 of this Official Journal.

⁽²⁾ OJ L 50, 21.2.2002, p. 4. Regulation as last amended by Commission Regulation (EC) No 1643/2002 (OJ L 247, 14.9.2002, p. 22).

⁽³⁾ OJ L 50, 21.2.2002, p. 1. Common Position as last amended by Council Decision 2002/754/CFSP (OJ L 247, 14.9.2002, p. 56).

COMMISSION REGULATION (EC) No 314/2003
of 19 February 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 20 February 2003.

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

Done at Brussels, 19 February 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 19 February 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	97,6
	204	57,4
	212	111,3
	999	88,8
0707 00 05	052	106,6
	204	49,4
	220	221,4
	628	151,4
	999	132,2
0709 10 00	220	263,0
	999	263,0
0709 90 70	052	130,5
	204	224,2
	999	177,3
0805 10 10, 0805 10 30, 0805 10 50	052	43,6
	204	42,1
	212	47,8
	220	43,9
	600	41,0
	624	55,7
	999	45,7
0805 20 10	204	82,0
	999	82,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	59,3
	204	91,5
	220	61,7
	464	132,4
	600	70,5
	624	74,1
	999	81,6
0805 50 10	052	50,3
	600	67,4
	999	58,9
0808 10 20, 0808 10 50, 0808 10 90	388	126,2
	400	102,7
	404	98,0
	512	89,0
	528	115,8
	720	116,5
	728	121,0
	999	109,9
0808 20 50	388	102,4
	400	137,8
	512	80,0
	528	63,9
	720	110,1
	999	98,8

⁽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 315/2003**of 19 February 2003****amending Regulation (EC) No 1227/2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2585/2001 ⁽²⁾, and in particular Articles 10 and 15 thereof,

Regulation (EC) No 1227/2000 is hereby amended as follows:

Whereas:

- (1) In order to enable Member States to continue paying aid up to the end of a financial year, it is necessary to amend the rules on expenditure for the period from 1 July to 15 October, which are laid down by Commission Regulation (EC) No 1227/2000 ⁽³⁾, as last amended by Regulation (EC) No 2191/2002 ⁽⁴⁾.
- (2) In particular, account should be taken of the concept of the validation of expenditure, as defined in Article 79 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾.
- (3) The provisions on implementing the mechanism for making financial allocations during the financial year should therefore be adapted.
- (4) The fixed format for the data and information which Member States must send to the Commission should also be adapted.
- (5) Account should also be taken of the particular constraints connected with the rate of implementation of the restructuring and conversion plans, and application of the rules on areas should be adapted accordingly.
- (6) Regulation (EC) No 1227/2000 should be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

1. the first subparagraph of Article 15(2) is replaced by the following:

‘2. As an exception to paragraph 1, the Member States may provide for support for a given measure to be advanced to producers before that measure has been implemented, provided that implementation has begun and the beneficiary has lodged a security equal to 120 % of the support. For the purposes of Regulation (EEC) No 2220/85, the obligation shall be to implement the measure concerned by the end of the second wine year following payment of the advance.’;

2. the first subparagraph of Article 15a(2) is replaced by the following:

‘2. As an exception to paragraph 1, the Member States may provide for support for all the measures covered by the support application to be advanced to producers before those measures have been implemented, provided that implementation has begun and the beneficiary has lodged a security equal to 120 % of the support. For the purposes of Regulation (EEC) No 2220/85, the obligation shall be to implement all the measures by the end of the second wine year following payment of the advance.’;

3. Article 16(1) is replaced by the following:

‘1. The Member States shall forward to the Commission, not later than 30 June of each year in respect of the restructuring and conversion system:

- (a) a statement of expenditure actually incurred in the current financial year, as well as the total area involved;
- (b) a statement of expenditure validated in the current financial year, as well as the total area involved;
- (c) any requests for the subsequent financing of expenditure in the current financial year in excess of the financial allocations made pursuant to Article 14(1) of Regulation (EC) No 1493/1999, and the total area concerned in each case;
- (d) amended expenditure forecasts, and the total areas concerned, for subsequent financial years until the end of the period provided for implementing the restructuring and conversion plans, in accordance with the allocation for each Member State.’;

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 10.

⁽³⁾ OJ L 143, 16.6.2000, p. 1.

⁽⁴⁾ OJ L 334, 11.12.2002, p. 16.

⁽⁵⁾ OJ L 248, 16.9.2002, p. 1.

4. Article 17 is replaced by the following:

'Article 17

1. For each Member State, expenditure actually incurred and declared for any given financial year shall be financed within the limits of the amounts notified to the Commission under Article 16(1)(a), provided that those amounts do not exceed in total the financial amount allocated to the Member State pursuant to Article 14(1) of Regulation (EC) No 1493/1999.

2. The Member States make the statement referred to in Article 16(1)(b) only if the amount which they have declared in accordance with Article 16(1)(a) is at least equal to 75 % of the amount allocated under Article 14(1) of Regulation (EC) No 1493/1999.

3. Requests made by Member States in accordance with Article 16(1)(c) shall be accepted on a pro rata basis, using the amounts available after deducting, for all Member States, the total of the amounts notified in accordance with Article 16(1)(a) and the amounts declared in accordance with Article 16(1)(b) from the total amount allocated to the Member States pursuant to Article 14 of Regulation (EC) No 1493/1999. The Commission shall notify the Member States as soon as possible after 30 June of the extent to which the requests may be accepted.

4. Notwithstanding paragraphs 1 and 2, where the total area notified in accordance with Article 16(1)(a) is less than the number of hectares indicated in the allocation for the financial year made to the Member State pursuant to Article 14(1) of Regulation (EC) No 1493/1999, then expenditure declared for the financial year in question shall be financed only up to a limit equal to the total area notified multiplied by the average amount of aid per hectare; this figure is

calculated as a ratio between the amount allocated to the Member State pursuant to Article 14(1) of Regulation (EC) No 1493/1999 and the anticipated number of hectares.

This amount cannot in any event be greater than the expenditure declared in accordance with Article 16(1)(a).

For the purposes of implementing this paragraph, a tolerance of 5 % shall be applied to the total area notified as compared with that appearing in the allocation for the financial year.

5. Where expenditure actually incurred by a Member State in a given financial year is less than 75 % of the amounts referred to in paragraph 1, the expenditure to be recognised for the following financial year, and the corresponding area, shall be reduced by a third of the difference between this threshold and the actual expenditure incurred during the financial year in question.

6. This reduction shall not be taken into account for the expenditure to be recognised for the financial year following that in which the reduction was made.

7. Amounts repaid by producers pursuant to Articles 15 or 15a shall be deducted from the expenditure to be financed.

8. References to a given financial year shall refer to payments actually made by Member States between 16 October and the following 15 October.'

Article 2

This Regulation shall enter into force on the third day following 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, 19 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

4.1. EXPENDITURE ON RESTRUCTURING AND CONVERSION FO VINEYARDS					
Expenditure actually incurred at 30 June 20 . .					
Member State:			Budget year: 20 . ./20 . .		
			Date of communication:		
Plan/Region	Restructuring		Compensation for loss of income		Total amount (EUR)
	Area (ha)	Amount (EUR)	Area (ha)	Amount (EUR)	
1.					
2.					
3.					
4.					
5.					
6.					
1.1 Total					

Notes:

1. Deadline for communication: not later than 30 June of each year (Article 16(1) of this Regulation).
2. Expenditure actually incurred up to date shown (Article 16(1)(a) of this Regulation).
3. This expenditure may not exceed the original allocation (Article 17(1) of this Regulation).

4.2. EXPENDITURE ON RESTRUCTURING AND CONVERSION OF VINEYARDS Expenditure validated at 30 June 20 . . (To be carried out between 1 July 20 . . and 15 October 20 . .)					
Member State:			Budget year: 20 . ./20 . .		
			Date of communication:		
Plan/Region	Restructuring		Compensation for loss of income		Total amount (EUR)
	Area (ha)	Amount (EUR)	Area (ha)	Amount (EUR)	
1.					
2.					
3.					
4.					
5.					
6.					
1.2 Total					

Notes:

1. Deadline for communication: not later than 30 June of each year (Article 16(1) of this Regulation).
2. Indicate the expenditure validated for the period remaining up to 15 October (Article 16(1)(b) of this Regulation).

4.3. EXPENDITURE ON RESTRUCTURING AND CONVERSION OF VINEYARDS					
Request for further expenditure					
(To be carried out between 1 July 20 . . and 15. October 20 . .)					
Miember State:			Budget year: 20 . ./20 . .		
			Date of communication:		
Plan/Region	Restructuring		Compensation for loss of income		Total amount (EUR)
	Area (ha)	Amount (EUR)	Area (ha)	Amount (EUR)	
1.					
2.					
3.					
4.					
5.					
6.					
1.3 Total					

Notes:

1. Deadline for communication: not later than 30 June of each year (Article 16(1) of this Regulation).
2. Indicate the expenditure (over and above the initial allocation) planned for the period remaining up to 15 October (Article 16(1)(c) of this Regulation).

4.4. EXPENDITURE ON RESTRUCTURING AND CONVERSION OF VINEYARDS (Forecasts)					
Member State:			Budget year: 20 . ./20 . .		
			Date of communication:		
Plan/Region	Restructuring		Compensation for loss of income		Total amount (EUR)
	Area (ha)	Amount (EUR)	Area (ha)	Amount (EUR)	
1.					
2.					
3.					
4.					
5.					
6.					
1.4 Total					

Notes:

1. Deadline for communication: not later than 30 June of each year (Article 16(1) of this Regulation).
2. Enclose tables for all budget years up to the end of the anticipated period of implementation of the restructuring plans (Article 16(1)(d) of this Regulation).

COMMISSION REGULATION (EC) No 316/2003**of 19 February 2003****concerning the permanent authorisation of an additive in feedingstuffs and the provisional authorisation of a new use of an additive already authorised in feedingstuffs****(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, 9d, and 9e thereof,

Whereas:

(1) Article 9d(1) of Directive 70/524/EEC provides that additives referred to in Part II of Annex C to that Directive may be authorised without a time limit if the conditions laid down in Article 3(a) are satisfied.

(2) New data were submitted by the producing company in support of an application for authorisation without a time limit of the micro-organism preparation set out in this Regulation.

(3) The assessment of the application for authorisation submitted in respect of that micro-organism preparation, shows that all the conditions required for an authorisation, as provided for in Directive 70/524/EEC are satisfied.

(4) That micro-organism preparation may therefore be authorised for an unlimited period.

(5) Directive 70/524/EEC provides that a new use of an additive already authorised requires a Community authorisation.

(6) Directive 70/524/EEC provides that provisional authorisation of a new additive for use in feedingstuffs or of a new use of an additive already authorised 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 in the case of additives referred to in Part II of Annex C to that Directive.

(7) New data were submitted by the producing company in support of an application to extend the authorisation of an enzyme preparation set out in this Regulation.

(8) The assessment of the application for authorisation submitted in respect of the new use of the preparation of this enzyme, shows that the conditions provided for in Directive 70/524/EEC for provisional authorisation are satisfied.

(9) This enzyme preparation should therefore be provisionally authorised for a period of four years.

(10) The assessment of the application shows that certain procedures should be required to protect workers from exposure to the additives set out in the Annexes. Such protection should be 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 ⁽³⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The preparation belonging to the group 'Micro-organisms' as set out in Annex I is authorised for use as additive in animal nutrition under the conditions laid down in that Annex.

Article 2

The preparation belonging to the group 'Enzymes' as set out in Annex II is provisionally authorised for use as additive in animal nutrition under the conditions laid down in that Annex.

⁽¹⁾ OJ L 270, 14.12.1970, p. 1.

⁽²⁾ OJ L 22, 25.1.2003, p. 28.

⁽³⁾ OJ L 183, 29.6.1989, p. 1.

Article 3

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

It shall apply from 1 March 2003.

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

Done at Brussels, 19 February 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

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								
E 1702	<i>Saccharomyces cerevisiae</i> NCYC Sc 47	Preparation of <i>Saccharomyces cerevisiae</i> containing a minimum of 5 × 10 ⁹ CFU/g additive	Cattle for fattening	—	4 × 10 ⁹	8 × 10 ⁹	In the directions for use of the additive and the premixture, indicate the storage temperature, storage life and stability to pelleting. Indicate in the instructions for use: “the quantity of <i>Saccharomyces cerevisiae</i> in the daily ration must not exceed 2,5 × 10 ⁹ CFU for 100 kg of bodyweight and 0,5 × 10 ¹⁰ CFU for each additional 100 kg of bodyweight.”	Without time limit'

ANNEX II

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
					Units of activity/kg of complete feedingstuff			
Enzymes								
24	Endo-1,4-beta-xylanase EC 3.2.1.8 Endo-1,3(4)-beta-glucanase EC 3.2.1.6	Preparation of endo-1,4-beta-xylanase and endo-1,3(4)-beta-glucanase produced by <i>Aspergillus niger</i> (CNCM I-1517) having a minimum activity of: 28 000 QXU ⁽¹⁾ /g 140 000 QGU ⁽²⁾ /g	Turkeys for fattening	—	280 QXU 1 400 QGU	840 QXU 4 200 QGU	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 560 QXU 2 800 QGU. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 20 % wheat and/or barley.	28.2.2007

⁽¹⁾ 1 QXU is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) from oat xylan per minute at pH 5,1 and 50 °C.

⁽²⁾ 1 QGU is the amount of enzyme which liberates 1 micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 4,8 and 50 °C.

**COMMISSION REGULATION (EC) No 317/2003
of 19 February 2003**

supplementing the Annex to Regulation (EC) No 2301/97 on the entry of certain names in the Register of certificates of specific character provided for in Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs (Karjalanpiirakka)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) In accordance with Article 7 of Regulation (EEC) No 2082/92, Finland has forwarded an application to the Commission for the name 'Karjalanpiirakka' to be entered in the Register of certificates of specific character.
- (2) The description 'traditional speciality guaranteed' can only be used with names entered in that Register.
- (3) No objection under Article 8 of that Regulation was sent to the Commission following the publication in the *Official Journal of the European Communities* ⁽²⁾ of the name set out in the Annex hereto.
- (4) As a consequence, the name set out in the Annex should be entered in the Register of certificates of specific

character and thereby protected as a traditional speciality guaranteed within the Community pursuant to Article 13(2) of Regulation (EEC) No 2082/92.

- (5) The Annex hereto supplements the Annex to Commission Regulation (EC) No 2301/97 ⁽³⁾, as last amended by Regulation (EC) No 1285/2002 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The name in the Annex hereto is hereby added to the Annex to Regulation (EC) No 2301/97 and entered in the Register of certificates of specific character in accordance with Article 9(1) of Regulation (EEC) No 2082/92.

It shall be protected in accordance with Article 13(2) of that Regulation.

Article 2

This Regulation shall enter into force on the 20th day following 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, 19 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Bread, pastry, cakes, confectionery, biscuits and other baker's wares

— Karjalanpiirakka.

⁽¹⁾ OJ L 208, 24.7.1992, p. 9.
⁽²⁾ OJ C 102, 27.4.2002, p. 14.

⁽³⁾ OJ L 319, 21.11.1997, p. 8.
⁽⁴⁾ OJ L 187, 16.7.2002, p. 21.

COMMISSION REGULATION (EC) No 318/2003
of 19 February 2003
amending Regulation (EEC) No 1274/91 introducing detailed rules for implementing Regulation
(EEC) No 1907/90 on certain marketing standards for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1907/90 of 26 June 1990 on certain marketing standards for eggs ⁽¹⁾, as last amended by Regulation (EC) No 5/2001 ⁽²⁾, and in particular Article 10(3) and Article 20(1) and (4), thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1274/91 ⁽³⁾, as last amended by Regulation (EC) No 45/2003 ⁽⁴⁾, lays down the necessary provisions for the implementation of marketing standards in the egg sector.
- (2) Article 31(1)(a) of Regulation (EEC) No 1274/91 refers to checks carried out in the packing centres on graded eggs ready for dispatch and not to checks on eggs leaving the packing centres. Therefore, an amendment of the current wording of Article 31(1)(a) should be made accordingly in order to avoid any confusion or misinterpretation.
- (3) In order to ensure proper land management and to prevent a build-up of harmful diseases, the open-air runs for laying hens may need to be rotated. Birds should be given even access to the whole paddock area and, where rotation on extensive free range system with at least 10 m² per hen is practised, each bird should be ensured at all times at least 2,5 m².
- (4) It is therefore necessary to amend Regulation (EEC) No 1274/91 accordingly.
- (5) 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

Regulation (EEC) No 1274/91 is amended as follows:

1. in Article 31(1)(a), the introductory phrase 'on dispatch from the packing centre:' is replaced by the phrase 'at the packing centre, ready for dispatch:';
2. in Annex III, the third indent of point (a) is replaced by the following:
 - the open-air runs must at least satisfy the conditions specified in Article 4(1)(3)(b)(ii) of Council Directive 1999/74/EC whereby the maximum stocking density is not greater than 2 500 hens per hectare of ground available to the hens or one hen per 4 m² at all times; however, where at least 10 m² per hen is available and where rotation is practised and hens are given even access to the whole area over the flock's life, each paddock used must at any time assure at least 2,5 m² per hen,
 - the open-air runs do not extend beyond a radius of 150 m from the nearest pophole of the building; however an extension of up to 350 m from the nearest pophole of the building is permissible provided that a sufficient number of shelters and drinking troughs within the meaning of that provision are evenly distributed throughout the whole open-air run with at least four shelters per hectare.'

Article 2

This Regulation shall enter into force on the third day following 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, 19 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 6.7.1990, p. 5.

⁽²⁾ OJ L 2, 5.1.2001, p. 1.

⁽³⁾ OJ L 121, 16.5.1991, p. 11.

⁽⁴⁾ OJ L 7, 11.1.2003, p. 60.

COMMISSION REGULATION (EC) No 319/2003
of 19 February 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 Regulation (EC) No 1503/96 results in import duties being fixed 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 those 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 20 February 2003.

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

Done at Brussels, 19 February 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.

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	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	264,00	88,06	127,66	14,00	198,00
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
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 345, 10.12.2002, p. 5) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

⁽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	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	198,71	219,11	270,67	298,67	—
(b) fob price (EUR/tonne)	—	—	—	242,67	270,67	—
(c) Sea freight (EUR/tonne)	—	—	—	28,00	28,00	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

**COMMISSION DIRECTIVE 2003/16/EC
of 19 February 2003**

**adapting to technical progress Annex III to Council Directive 76/768/EEC on the approximation of
the laws of the Member States relating to cosmetic products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products ⁽¹⁾, as last amended by Commission Directive 2003/1/EC ⁽²⁾, and in particular Article 8(2) thereof,

After consulting the Scientific Committee on Cosmetic Products and Non-food Products Intended for Consumers (SCCNFP),

Whereas:

- (1) The Scientific Committee for Cosmetic Products and Non-food Products Intended for Consumers (SCCNFP) recommends that musk xylene can be safely used in cosmetic products, excluding oral care products, up to a maximum daily theoretically absorbed dose of about 10 µg/kg/day.
- (2) The SCCNFP recommends that musk ketone can be safely used in cosmetic products, excluding oral care products, up to a maximum daily theoretically absorbed dose of about 14 µg/kg/day.
- (3) Pending completion of the risk assessment of these two substances in accordance with Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances ⁽³⁾, these two substances have been provisionally included, until 28 February 2003, in Part 2 of Annex III to Directive 76/768/EEC.
- (4) The risk assessment has not yet been completed in accordance with the abovementioned Regulation. Therefore, the period of inclusion of musk xylene and musk ketone in Part 2 of Annex III to Directive 76/768/EEC should be extended.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Committee for the adaptation to technical progress of Directives on the removal of technical barriers to trade in the cosmetic products sector,

HAS DECIDED AS FOLLOWS:

Article 1

The date '28.2.2003' is replaced by '30.9.2004' for reference numbers 61 and 62 in Part 2, column g, of Annex III to Directive 76/768/EEC.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 28 February 2003 at the latest. They shall forthwith inform the Commission thereof.

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 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 19 February 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 262, 27.9.1976, p. 169.

⁽²⁾ OJ L 5, 10.1.2003, p. 14.

⁽³⁾ OJ L 84, 5.4.1993, p. 1.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 February 2003

extending the period of application of the measures in Decision 2002/148/EC concluding consultations with Zimbabwe under Article 96 of the ACP-EC Partnership Agreement

(2003/112/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300(2), second subparagraph thereof,

Having regard to the Internal Agreement on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽¹⁾ signed in Cotonou on 23 June 2000, as put into provisional application by the Decision of the Representatives of the Governments of the Member States of 18 September 2000, and, in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By Council Decision 2002/148/EC ⁽²⁾, the consultations with the Republic of Zimbabwe under Article 96(2)(c) of the ACP-EC Partnership Agreement ⁽³⁾ were concluded and appropriate measures, as specified in the Annex to that Decision were taken.
- (2) In accordance with the third paragraph of Article 2 of that Decision, the measures will cease to apply on 21 February 2003.
- (3) The essential elements cited in Article 9 of the ACP-EC Partnership Agreement continue to be violated by the Government of Zimbabwe and the current conditions in Zimbabwe do not ensure respect for human rights, democratic principles and the rule of law.

- (4) The period of application of the measures should therefore be extended,

HAS DECIDED AS FOLLOWS:

Article 1

The application of the measures referred to in Article 2 of Decision 2002/148/EC shall be extended for a further period of 12 months, until 20 February 2004. They shall be reviewed regularly and at least within six months.

The letter appearing in the Annex to this Decision shall be addressed to the President of Zimbabwe.

Article 2

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

Done at Brussels, 18 February 2003.

For the Council

The President

N. CHRISTODOULAKIS

⁽¹⁾ OJ L 317, 15.12.2000, p. 376.

⁽²⁾ OJ L 50, 21.2.2002, p. 64.

⁽³⁾ OJ L 317, 15.12.2000, p. 3.

ANNEX

Brussels, ...

LETTER TO THE PRESIDENT OF ZIMBABWE

The European Union attaches the utmost importance to the provisions of Article 9 of the ACP-EC Partnership Agreement. As essential elements of the Partnership Agreement, respect for human rights, democratic institutions and the rule of law are the basis of our relations.

By letter of 19 February 2002, the Union informed you of its decision to conclude the consultations held under Article 96 of the ACP-EC Partnership Agreement and to take certain 'appropriate measures' within the meaning of Article 96(2)(c) of that Agreement.

Today, after more than 12 months and various mediation attempts, the European Union considers that democratic principles are still not upheld in Zimbabwe and that no progress has been achieved by the Government of Zimbabwe in the five fields addressed by the February Council Decision (end of politically motivated violence, free and fair elections, freedom of the media, independence of the judiciary, end of illegal occupations).

In the light of the above, the European Union does not consider that the appropriate measures can be revoked.

The measures will only be revoked once conditions prevail which ensure respect for human rights, democratic principles and the rule of law. Moreover, the European Union reserves the right to take additional restrictive measures.

The European Union will closely follow developments in Zimbabwe and would once again like to emphasise that it does not wish to penalise the Zimbabwean people and will continue with its contribution to operations of a humanitarian nature and projects in direct support to the population, in particular those in social sectors, which are not affected by these measures.

The European Union desires to pursue the dialogue with Zimbabwe, on the basis of the ACP-EC Partnership Agreement, and hopes that you will do everything you can to restore respect for the essential principles of the Partnership Agreement, thereby enabling all cooperation instruments to be resumed in the near future.

Yours faithfully,

For the Commission

For the Council

COMMISSION

COMMISSION DECISION

of 19 February 2003

amending Decision 1999/815/EC concerning measures prohibiting the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age made of soft PVC containing certain phthalates

(notified under document number C(2003) 557)

(Text with EEA relevance)

(2003/113/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/59/EEC of 29 June 1992 on general product safety⁽¹⁾, and in particular Article 11(2) thereof,

Whereas:

(1) The Commission adopted, on 7 December 1999, Decision 1999/815/EC⁽²⁾, as last amended by Decision 2002/910/EC⁽³⁾, based on Article 9 of Directive 92/59/EEC, requiring the Member States to prohibit the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age, made of soft PVC containing one or more of the substances di-iso-nonyl phthalate (DINP), di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), di-iso-decyl phthalate (DIDP), di-n-octyl phthalate (DNOP), and butylbenzyl phthalate (BBP).

(2) The validity of Decision 1999/815/EC was limited to three months, in accordance with the provision of Article 11(2) of Directive 92/59/EEC. Therefore, the validity of the Decision was to expire on 8 March 2000.

(3) When adopting Decision 1999/815/EC it was foreseen to prolong its validity if necessary. The validity of the measures adopted under Decision 1999/815/EC was prolonged under several Decisions for an additional period of three months each time, and is now to expire on 20 February 2003.

(4) Some relevant developments have taken place concerning the validation of phthalates migration test methods and the comprehensive risk assessment of these phthalates under Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances⁽⁴⁾. However, further work in this area is still necessary to try to solve some crucial outstanding difficulties.

(5) Pending resolution of the outstanding issues, and in order to guarantee the objectives of Decision 1999/815/EC and its prolongations, it is necessary to maintain the prohibition of the placing on the market of the products considered.

(6) Certain Member States have implemented Decision 1999/815/EC by measures applicable until 20 February 2003. Therefore, it is necessary to ensure that the validity of these measures is prolonged.

(7) It is therefore necessary to prolong the validity of Decision 1999/815/EC in order to ensure that all the Member States maintain the prohibition provided for by that Decision.

(8) The measures provided for in this Decision are in accordance with the opinion of the Emergencies Committee,

HAS ADOPTED THIS DECISION:

Article 1

In Article 5 of Decision 1999/815/EC the words '20 February 2003' are replaced by the words '20 May 2003'.

⁽¹⁾ OJ L 228, 11.8.1992, p. 24.

⁽²⁾ OJ L 315, 9.12.1999, p. 46.

⁽³⁾ OJ L 315, 18.11.2002, p. 21.

⁽⁴⁾ OJ L 84, 5.4.1993, p. 1.

Article 2

Member States shall take the measures necessary to comply with this Decision within less than 10 days of its notification. They shall forthwith inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 February 2003.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 19 February 2003

amending for the third time Decision 2002/308/EC establishing the lists of approved zones and approved farms with regard to one or more of the fish diseases viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN)

(notified under document number C(2003) 558)

(Text with EEA relevance)

(2003/114/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 Directive 98/45/EC ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) In order to obtain, for one or more of the fish diseases viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN), the status of approved fish farm situated in a non-approved zone, Member States shall submit the appropriate justifications and the national rules ensuring compliance with the conditions laid down in Directive 91/67/EEC.
- (2) Commission Decision 2002/308/EC ⁽³⁾, as last amended by Decision 2002/1005/EC ⁽⁴⁾, establishes the lists of approved zones and approved fish farms situated in non-approved zones with regard to certain fish diseases.
- (3) Germany has submitted justifications for the status of approved farm in a non-approved zone for a farm in Bavaria with regard to VHS and IHN, as well as the national rules ensuring compliance with the requirements for that status.
- (4) The justification has been scrutinised by the Commission with the assistance of experts in the Member States.
- (5) The documentation provided by Germany for the farm concerned shows that it meets the requirements of Article 6 of Directive 91/67/EEC. The farm therefore

qualifies for the status of approved farm in a non-approved zone and should be added to the list of approved farms set out in Annex II to Decision 2002/308/EC.

- (6) Decision 2002/308/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

In Annex II to Decision 2002/308/EC, the following approved fish farm is added in Section 3.5:

'6.	Fischzucht Graf Anlage D-87743 Egg an der Günz	Fischzucht Graf GbR Engishausen 64 D-87743 Egg and der Günz'
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Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 February 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 12.

⁽³⁾ OJ L 106, 23.4.2002, p. 28.

⁽⁴⁾ OJ L 349, 24.12.2002, p. 109.

(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2003/115/CFSP
of 18 February 2003
amending and extending Common Position 2002/145/CFSP concerning restrictive measures against Zimbabwe

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) Common Position 2002/145/CFSP⁽¹⁾ expires on 18 February 2003.
- (2) There has been further degradation in the situation in Zimbabwe, where the serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly continue to occur.
- (3) Common Position 2002/145/CFSP should therefore be extended for a further twelve months.
- (4) The implementation of the travel ban should be without prejudice to cases where a Member State is bound by an obligation of international law, or is host country of the Organisation for Security and Cooperation in Europe (OSCE),

HAS ADOPTED THIS COMMON POSITION:

Article 1

Article 3 of Common Position 2002/145/CFSP shall be replaced by the following:

'Article 3

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons listed in the Annex, who are engaged in activities that seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe.

2. Paragraph 1 will not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (i) as a host country of an international intergovernmental organisation;
- (ii) as a host country to an international conference convened by, or under the auspices of, the United Nations; or
- (iii) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

5. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the European Union, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Zimbabwe.

6. A Member State wishing to grant exemptions referred to in paragraph 5 shall notify the Council in writing. The exemption will be deemed to be granted unless one or more of the Council Members raises an objection in writing within 48 hours of receiving notification of the proposed exemption. In the event that one or more of the Council members raises an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

7. In cases where pursuant to paragraphs 3, 4, 5 and 6, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.'

Article 2

⁽¹⁾ OJ L 50, 21.2.2002, p. 1. Common Position as last amended by Decision 2002/754/CFSP (OJ L 247, 14.9.2002, p. 56).

Common Position 2002/145/CFSP is hereby extended until 20 February 2004.

Article 3

This Common Position shall take effect on the date of its adoption.

Article 4

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

Done at Brussels, 18 February 2003.

For the Council

The President

N. CHRISTODOULAKIS
